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Unlawful Damage in Armed Conflicts and Redress under International Humanitarian Law

by Yves Sandoz

1. INTRODUCTION

Side by side with aspirations for universal peace, efforts to limit the effects of war have been made throughout all of history and in all of the world's great civilizations. Such efforts, however, have primarily taken the form of religious or moral precepts; although treaties were in fact concluded, they were limited in scope.

It would therefore be wrong to assert that the Geneva Convention of 22 August 1864 was the first manifestation of an intention to establish humanitarian limits to the conduct of war, but it is correct to regard it as the starting point for modern international humanitarian law, characterized by the evolution of conventions open to all States and of principles apt to achieve universal acceptance.

Between 1864 and 1980, there was a considerable development of international humanitarian law — along two lines: namely to provide protection for more and more categories of victims of armed conflicts and to increasingly restrict the right of belligerents to choose means of injuring the enemy. It is mainly the development of rules relating to the latter objective that we shall consider in this article.

International humanitarian law has also evolved with respect to its applicability, the monitoring of its application, sanctions and reparations provided for in the case of violations. This evolution will be examined as well.

The limited scope of this study permits us to consider only texts which are, or have been, in effect. We shall not therefore discuss abor-

tive projects nor those which did not enter into force.¹ Likewise, we shall not take up the outcome of conferences by private bodies,² even though they may have played an important role in the history of international humanitarian law.

It seems essential in this Introduction to identify the status of international humanitarian law in the framework of international public law in general. We could not, indeed, deal with the problem of reparations for unlawful damage under international humanitarian law without awareness of what its status is.

* * *

In 1864, war was accepted, in accord with the famous formula of Clausewitz, as "the continuation of politics by other means". It was only in our own century that the idea slowly gained ground that war should be avoided by all possible means, and finally that it should be forbidden.

In this connection, the formal ban on acts of aggression and other breaches of peace in the Charter of the United Nations marked a turning point in the history of international humanitarian law. It should even have meant the end of this branch of international law. Indeed, the International Law Commission was acting quite logically when it refused at the beginning of its activities to deal with the subject.³

It became apparent very soon however that the UN, for lack of agreement among the major powers, was not capable of ensuring the application of the Charter on this point — and hence guaranteeing the

¹ We have in mind, for example, a draft declaration on the laws and customs of war adopted at the Brussels Conference of 1874, which never went into effect; a treaty concerning the use of submarines and asphyxiating gases in time of war, signed at Washington on 6 February 1922, which also did not go into effect; rules on control of radiotelegraphy in wartime and on aerial warfare, adopted at The Hague in 1922 by an intergovernmental commission of jurists, but not followed up by governments; projects discussed at the Disarmament Conference of 1932-1934.

² In this connection, *The Manual on the Laws of War on Land* (1880), published by the Institute of International Law and the Manual (1913) issued by the same Institute on the *Laws of Naval War governing relations between belligerents* deserve detailed study.

³ The Commission expressed itself as follows: "War having been outlawed, the regulation of its conduct has ceased to be relevant... If the Commission, at the very beginning of its task, were to undertake this study, public opinion might interpret its action as showing lack of confidence in the efficiency of the means at the disposal of the United Nations for maintaining peace". (Yearbook of the International Law Commission, 1949, p. 281).

security of States. The States, in turn, recognized the situation and acknowledged the need not only to maintain international humanitarian law but to develop it. It was in this context that the Four Geneva Conventions of 12 August 1949, which stand today as the pillars of international humanitarian law, were adopted.

The special position in which international humanitarian law thus found itself — as a kind of subsidiary law, an ultimate recourse when the barrier of the UN Charter failed to restrain violence between States — did not fundamentally alter its objectives. These have always been to attenuate certain effects of conflicts — especially violence without military justification — and at no time to prevent war. This modesty in its objectives was explicable in 1864 by the fact that no one then disputed the legitimacy of war; it is justifiable today because international humanitarian law cannot be construed as a substitute for that part of international law which forbids resort to force. The supposition that States can be prevented from using force — once they have decided to do so in the face of the ban imposed by the UN Charter — by rules so strict concerning the conduct of hostilities that they would virtually prevent the Fighting — would proceed from a very dangerous delusion and in no time at all would discredit the whole of international humanitarian law. The only chance for the survival of this law depends upon its meeting a humanitarian need, without seriously impeding military operations and without making politically unacceptable demands.

It is essential to bear this fundamental element in mind when we consider the question of unlawful damages and redress for them under the terms of international humanitarian law.

II. TREATY PROVISIONS

1. The Geneva Convention of 22 August 1864

This “Convention for the Amelioration of the Condition of the Wounded in Armies in the Field” was designed to protect a specific category of victims, military personnel wounded on the battlefield. To enable medical personnel and means of transport to provide effective aid to those wounded and sick, the Convention specified that they be respected and protected during hostilities.

But, apart from that restriction, the Convention imposed no limitation upon the conduct of hostilities. Nor did it have any rules concerning possible violations, sanctions or reparations.

2. The Declaration of St. Petersburg, 11 December 1868

This declaration was the relatively meagre outcome of a conference whose ambition had been to regulate armed conflicts in a much more comprehensive manner. It is nevertheless of great interest, not so much because of its substantive clause — concerned only with forbidding the use of “any projectile of a weight below 400 grams which is either explosive or charged with fulminating or inflammable substances” — but because of its preamble. The parties to the declaration considered that “the only legitimate purpose which the States should pursue during the war is to weaken the military forces of the enemy”, and “for that purpose it is sufficient to put the largest possible number of men *hors de combat*”; that “this purpose would be exceeded by the use of weapons which would needlessly aggravate the suffering of the men put *hors de combat* or render their deaths inevitable”.

It is clearly implied by these considerations that civilians should not be attacked under any circumstances. With respect to weapons whose use was implicitly forbidden, the only reference was to those which were too cruel to use upon the combatants. Indiscriminate weapons, dangerous to civilians by their very nature, were not a cause for concern in 1868.

Only seventeen States, some of which no longer exist as States, were bound by the Declaration of St. Petersburg, the scope of which was exceedingly limited by the fact that it contained a “*si omnes*” clause.⁴

It is generally accepted however that the Declaration — at least its preamble⁵ — is an integral part of international customary law and for this reason is binding upon the international community as a whole.

It will be noted, on the other hand, that the Declaration of St. Petersburg contains no rule concerning repression of or reparation for possible violations.

3. The Hague Conferences of 1899 and 1907

The “International Peace Conferences” at The Hague in 1899 and 1907 had the ambitious aim of dealing with all the problems of maintaining peace, on the one hand, and the problems of war, on the other hand.

⁴ The commitment by signatories would “cease to be compulsory from the moment when, in a war between contracting or acceding parties, a non-contracting party or a non-acceding party shall join one of the belligerents”.

⁵ On this subject, see, *inter alia*, Henri Meyrowitz: *Reflexions on the Centenary of the Declaration of Saint-Petersburg*, in *International Review of the Red Cross*, December 1968, p. 611; James M. Spaight: *Air Power and War Rights*, London, 1942, p. 198; Yves Sandoz: *Des armes interdites en droit de la guerre*, Geneva, pp. 20-21.

First of all, the question was one of avoiding war, insofar as possible, which gave rise to the Convention for the Pacific Settlement of International Disputes, adopted in 1899 and 1907. Resort to peaceful procedures for settling differences, especially by arbitration, was only recommended, however, and was not imposed. Thus, the possibility of resort to arms was not discarded. Nevertheless, attempts were made to formalize, more and more, the beginning of hostilities and to limit excesses committed in the course of conflicts. Hence, a convention concerning the opening of hostilities was adopted in 1907 and the Convention Concerning the Laws and Customs of War on Land was adopted in 1899 and reiterated, with some amendments, in 1907. The latter Convention, and the famous Regulations annexed to it, have played an important role since, until the adoption of the Protocols additional to the Geneva Conventions in 1977, they were the only fundamental instruments of reference with respect to restrictions on the conduct of hostilities.

In addition, various other conventions adopted at the Hague Peace Conferences set restrictions on the conduct of hostilities, notably the Declaration to Prohibit the Launching of Projectiles and Explosives from Balloons and Other New Methods of Similar Nature, adopted in 1899 and 1907, setting forth the principle — unhappily not respected thereafter — of a total prohibition of aerial bombing; the Declaration concerning the prohibition of using projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases (this Declaration, adopted in 1899 and 1907, was not respected in the 1914-1918 war, not being binding because it too contained a "*si omnes*" clause, which was not fulfilled in that conflict. It was subsequently taken up again and further developed, notably in the Geneva Protocol of 17 June 1925); the Declaration concerning the prohibition of using bullets which expand or flatten easily in the human body — originally known as dum-dum bullets — was also adopted in 1899 and 1907, and is now a recognized part of international customary law.

Yet another convention which is of interest in relation to this study regulates the laying of automatic submarine contact mines, adopted in 1907. As indicated in its preamble, the object of this Convention was "to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war". To assure this, mines and torpedoes must be under the control of those who place or discharge them and must be so constructed that they become harmless if those using them should lose such control. The Convention also requires that dangerous areas be identified and that after the war, those using

them should co-operate in a common effort by removing mines laid in the vicinity of their own territory and by reporting to formerly adverse parties the location of mines which have been laid along their coasts.

We have in this Convention three essential principles designed to provide protection for civilian populations, namely: these populations should not be affected by the hostilities; the weapons used must have specific objectives and must not be used without discrimination; the parties to a conflict, at the end of hostilities, must co-operate to prevent any subsequent civilian injuries. This convention, of course, is concerned only with the particular subject of submarine contact mines and is also limited in scope by the fact that it too has a "*si omnes*" clause. However, if the question of mines is dealt with only in the context of naval warfare, it is because the problem at that time presented itself acutely only within that context. It is the approach to the subject which is of special concern to us: it manifests concerns quite similar to those prevailing, from 1974 to 1977, at the Diplomatic Conference on International Humanitarian Law.⁶

A further aspect of the Hague Peace Conferences deserves mention. On the occasion of the revision in 1907 of the Convention Concerning the Laws and Customs of War on Land, a new article, Article 3, was introduced, reading as follows: "A belligerent party which violates the provisions of the said Regulations ⁷ shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces". This stand is different than that of the Geneva Convention of 1906: the text does not deal with penal repression which is left to the discretion of governments. The provision was nevertheless a novel one for its time. To suggest, even implicitly, that governments might violate their treaty obligations was just "not done". In fact, it was only on the ground that violations might be committed without the knowledge of governments, or against their will, that the proposal leading to this new article was presented. We give, below, our own English translation of the French version of a long quotation from the speech by the German delegate, author of the proposal, clarifying the meaning to be attached to the article:

⁶ This condensed title, used throughout this paper, stands for: The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts.

⁷ This refers to the *Regulations Concerning the Laws and Customs of War on Land*, annexed to the Convention.

“I need hardly say that I would not cast doubt on the good faith of governments. Indeed, a provision on the infringement of treaty stipulations relating to obligations of which the discharge depends on governments alone would be unseemly. The case in point is different... These provisions must be equally applied by officers, non-commissioned officers and other ranks... Under the circumstances, we must consider the consequences of possible violations of the provisions of the Regulations. It is a principle of private law that whoever, by an act contrary to law, wilfully or by negligence, interferes with the rights of others, shall indemnify them for damage caused. This principle is equally applicable in the law of nations and certainly in the cases involved here. However, we cannot limit ourselves to acceptance of the theory of “subjective fault”, according to which the State can be held liable only if it is established that it was negligent or failed to exercise control. The most frequent case will be one in which negligence cannot be attributed to the government itself. If, in that case, the persons injured as a result of an infringement of the Regulations could not demand reparation from the government and were compelled to take proceedings against the guilty officer or soldier, they would more often than not be deprived of the right to obtain the indemnity owing to them. We believe, therefore, that, for any unlawful act by members of the armed forces contravening the Regulations, responsibility lies with their government.”⁸

Lastly, it may be noted that a substantial part of the Conventions adopted at The Hague has become part of international customary law. This is particularly true of the rules set forth in the Regulations Concerning the Laws and Customs of War, which the International Military Tribunal at Nuremberg stated to be “recognized by all civilized nations and... regarded by them as being declaratory of the laws and customs of war”.⁹

4. The Geneva Convention of 6 July 1906

This Convention, the full title of which is the “Geneva Convention of July 6, 1906, for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field”, which develops the Convention of 1864, contains two articles concerning the suppression of abuses and

⁸ *Actes et documents de la deuxième Conférence internationale de la Paix*, The Hague, Imprimerie Nationale, 1907, vol. III, p. 145.

⁹ On this subject, see the *Commentary on the Fourth Geneva Convention of 12 August 1949*, published under the direction of Jean Pictet, Geneva, 1956, pp. 50-51.

infringements. These consist only of orders to governments whose legislation is not adequate to adopt measures necessary to prevent abuses of the Red Cross emblem, at all times, and, in wartime, necessary to suppress the worst infractions of the Convention. This leaves the matter on a purely internal basis and there is no question of international penal measures, nor even of an obligation to make reparations for injuries caused to the adversary by the commission of violations of the Convention.

5. The Geneva Protocol of June 17, 1925

The subject of this Protocol was discussed at the Conference for the control of international trade in weapons, munitions and war material, at Geneva, May-June, 1925.

The conference did not accomplish the purpose for which it was convoked, control over the international trade in armaments, and the only thing it did accomplish — unanimous ratification of the Protocol of June 17, 1925 — had no connection with that purpose. This, however, was not a negligible contribution to international humanitarian law.

The Protocol of June 17, 1925 refers at the beginning of its preamble to “the use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices,” affirming that such use “has been justly condemned by the general opinion of the civilized world.” One might therefore think that this part on the Protocol is merely recalling the existence of an international customary rule. The terms used do not indicate clearly however whether they constitute a formal and imperative interdiction, deriving from *jus cogens*. In comparison, it is interesting to note the clearer language used in Article 171 of the Versailles Peace Treaty signed at the end of the First World War, on 28 June 1919: “The use of asphyxiating, poisonous or other gases and of all similar liquids, substances or procedures being prohibited...” We might also recall, despite their limited scope, the Declaration adopted at the Hague Conferences of 1899 and 1907 forbidding the use of projectiles whose only purpose was to spread asphyxiating or poisonous gases. But, even if we acknowledge that imperative customary law existed, it certainly did not, in 1925, cover anything but “first use”, as evidenced by the reservation made by many States at the time of signing the Protocol, that it would cease to be obligatory with regard to a State if, in a conflict, that State or its allies did not respect its prohibitions.

The Protocol does not merely confirm and emphasize an existing ban on poison gases; it goes on to prohibit the use of “bacteriological methods of warfare”, which had hitherto been ignored by international law.

Even though biological and chemical war is not totally outlawed, since the ban applies only to "first use", and furthermore is only formally applicable vis-à-vis States which are also signatories to the Protocol, an important step was nevertheless taken in 1925 by such an international prohibition against a whole method of warfare which had shown itself to be extremely murderous in 1914-1918. On the other hand, the brief 1925 Protocol had nothing to say about any possible violation, providing neither for sanctions nor for reparations.

6. The Geneva Conventions of 27 July 1929

These are the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, and the Convention relative to the Treatment of Prisoners of War: the former developed and replaced the Convention of 6 July 1906; the latter supplemented Chapter II of the Hague Regulations concerning the Laws and Customs of War on Land.¹⁰

These Conventions sought to provide effective legal protection to two specific categories of persons and contained no direct restrictions concerning the conduct of hostilities. They are, however, of interest in connection with this study with respect to their applicability and the system they provided for control over their application and repression of violations.

Unlike the Hague Conventions considered above, they had no "*si omnes*"¹¹ clause of the kind which rendered application of the Hague Conventions so uncertain. Both of the 1929 Geneva Conventions specified, "If, in time of war, a belligerent is not a party to the Convention, its provisions shall, nevertheless, be binding as between all the belligerents who are parties thereto".¹² This constituted a very important advance in the adaptability and wider applicability of international humanitarian law.

The system for repressing abuses and infractions contained in the Convention on the wounded and sick differed hardly at all from that provided in the 1906 Convention. On the other hand an important new element was added, the duty of instituting an investigation, at the request of a belligerent, concerning any alleged violation of the Convention.¹³ The procedure for such an enquiry, however, was not defined,

¹⁰ See Article 89 of the Convention.

¹¹ See note 4 p. 134 above.

¹² See Articles 25 and 82, respectively, of these Conventions.

¹³ See Article 30 of this Convention.

but was left to be “decided between the interested parties,” which obviously reduced the practical effect of such an article. In terms of principle, however, this constituted the first step toward recognition of the fact that respect for the treaty obligations of a party to a conflict could, under certain conditions, be verified by a body not dependent upon that party.

The Convention relative to the treatment of prisoners of war has an innovation of a similar nature. Although this does not have any provisions concerning repression of abuses or infractions or possible enquiries, it devotes a section to the organization of control.¹⁴ This introduced into international humanitarian law the system of protecting Powers, that is to say neutral Powers responsible for defending in a conflict the humanitarian interests of a belligerent on territory controlled by the other belligerent. The Convention provided the possibility for representatives of the protecting Powers to go to any place where prisoners of war are detained and to talk to them without witnesses. It also provided for a mediatory role for the protecting Powers in case of disagreement between the belligerents about the application of the Convention. Furthermore, it mentions that the International Committee of the Red Cross, with the consent of the belligerents, may perform humanitarian work for the benefit of prisoners of war.

7. The Geneva Conventions of 12 August 1949

These widely known Conventions constitute the basis for present-day international humanitarian law. They are now binding upon 151 States and many of their provisions have become part and parcel of international customary law. Being mainly concerned with protecting various categories of persons during armed conflicts, they do not impose major restrictions upon the conduct of hostilities. They are of interest, however, like the 1929 Conventions, for the system adopted, in provisions which for the most part are common to all four Conventions, with respect to applicability, control, repression of violations and reparation of damages.

We noted above that the 1929 Conventions contained provisions giving greater flexibility to their applicability than had earlier conventions in international humanitarian law. A further step in this direction was taken in the Conventions of 1949. Not only are they applicable between

¹⁴ Part VIII, Execution of the Convention, Section II, Articles 86 to 88.

the parties to a conflict who are specifically bound by them, even if there are belligerent parties who are not so bound, but it is sufficient for such a power to "accept and apply" the provisions of the Conventions to oblige the others to apply the Conventions in relation to that power (see Article 2, common to the four Conventions). It is also noteworthy that the forbidding of reprisals against protected persons, already mentioned in the 1929 Convention relative to the treatment of prisoners of war, is clearly specified in the four 1949 Conventions. This provides a vital guarantee for protected persons.

Another very important innovation was introduced into the 1949 Conventions. Until they came into effect, international humanitarian law had been applicable only in international conflicts. Article 3, common to all four of the 1949 Conventions, set forth certain essential rules to be applied by the parties even in internal conflicts. This constituted an incursion by international humanitarian law into a domain which had hitherto been strictly circumscribed by the bounds of national sovereignty.

With regard to control, the system of protecting Powers, introduced in the 1929 Convention relative to prisoners of war, was developed in the four 1949 Conventions, along with mention of the right of initiative of the International Committee of the Red Cross (see Articles 8 to 11 of the first three Conventions and 9 to 12 of the fourth). In addition, the possibility of opening an enquiry at the request of a belligerent, provided for in Article 30 of the 1929 Convention on the wounded and sick, was also developed in the four Conventions, in Articles 52, 53, 132 and 149, respectively.

The question of the repression of abuses and infractions is dealt with in a relatively thoroughgoing manner in the 1949 Conventions. A distinction is made between grave breaches — which are enumerated — and other infractions. The obligation is specified that each party to the Conventions must search for persons alleged to have committed grave breaches and impose penal sanctions if they are found guilty by its own courts, or turn them over for judgement "to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case" (Articles 49, 50, 129 and 146, respectively). On the other hand, the Parties are required only to "take measures necessary for the suppression" of infractions other than the grave breaches specified. It is up to them alone to decide if they wish to provide for imposition of penal sanctions for these other infractions.

We recognize that this system has as its starting point the idea that the various governments earnestly wish to apply the Conventions and

it is therefore a matter for them of suppressing acts of which they are unaware or acts committed in violation of orders. Cases in which there is a political desire by a government to violate provisions of the Conventions are not foreseen in those Conventions. One might regret this state of affairs, but we must recognize that it is entirely consistent with the present international system, which depends above all on the good faith of governments. States may recognize as compulsory the jurisdiction of the International Court of Justice, notably on legal disputes relating to the nature or extent of reparations for breach of an international agreement (Article 36, Paragraph 2 of the Statute of the International Court of Justice). However, it is precisely because they usually do not agree to subject themselves to such a compulsory jurisdiction that States still resort to force and international humanitarian law continues to be necessary. It could only be utopian to expect that States would agree in advance to submit to obligatory judgements of an international tribunal.

One article in each of the Conventions (51, 52, 131 and 148, respectively) specifies the direct liability of the parties for the commission of grave breaches. This article was inspired by Article 3 of the Fourth Hague Convention of 1907, referred to above (see p. 136 above).

The existence of this article in the Geneva Conventions is explainable because it is to be interpreted not in penal terms but rather in terms of liability for the reparation for damages. Since the persons wronged do not possess an international legal personality, they are unable to institute an action against a State whose soldiers (or other agents) have committed a grave breach, and they do not usually have the material means needed to search for the persons responsible for it. It is essential therefore that this question of reparations be settled between States. The interests of the victims of wrongs must be represented by the government upon which they depend, and if the injury is recognized, it is the government of the person who committed the infraction which is responsible for the necessary reparation. If this government should then take action against the perpetrator — whom it is obliged in any event to seek out and prosecute under penal law — that is up to the government alone.

It is therefore not a question in this article of taking action against the governments themselves, but of establishing the principles for a procedure making possible effective reparation for injuries. We must recognize, at the same time, that only injuries resulting from grave breaches are involved. Reparations for other injuries must be dealt with under the general rules of relevant international law.

Another purpose of this article is to differentiate, in peace treaties or other agreements signed after conclusion of hostilities, between reparations for damage resulting from violations of international humanitarian law and reparations due in connection with responsibilities relating to the causes of the conflict. In other words, since the victor does in fact usually impose his will upon the vanquished — even though these terms may nowadays be somewhat relative — the aim of the article is to “prevent the defeated party from being compelled... to abandon all claims due for infractions committed by persons in the service of the victor”.¹⁵

8. The Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict

This Convention does not impose any direct restrictions on the conduct of hostilities, except that which requires the cultural property, buildings and transport which it specifically covers to be spared. Its field of application is patterned upon that of the Geneva Conventions (see Article 18). One of its articles (Article 19), inspired by Article 3 common to the Geneva Conventions, applies to conflicts not of an international character. The co-operation of Protecting Powers is provided for in the execution of the Convention (Article 21), but no details are given on this subject, which implicitly refers to the system of the Geneva Conventions. One short article is devoted to sanctions (Article 28), which reads as follows: “The High Contracting Parties undertake to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the present Convention.”

There is accordingly an obligation to compel respect for the Convention by suppressing infractions by disciplinary or penal sanctions, but no international jurisdiction is provided for and no provision is made for extradition.

The problem of reparations for injuries is not dealt with as a whole. One provision concerning it, however, in respect to a particular aspect, is contained in the Protocol, also adopted at The Hague on 14 May 1954 on the same subject. Specifying that the Parties are obligated, at the end of hostilities, to return cultural property which they may have exported from territory they occupied during the conflict, the Protocol states in

¹⁵ *Commentary on the First Geneva Convention of 12 August 1949*, published under the direction of Jean Pictet, ICRC, Geneva, 1952 p. 373.

Article 4 that they shall pay an indemnity to “holders in good faith” of such property when it is returned.

9. Protocols of 8 June 1977 additional to the Geneva Conventions

The Geneva Conventions essentially serve to protect the victims of armed conflicts who are at the mercy of or in the hands of the adverse party. The second World War, however, and the armed conflicts which took place thereafter showed the need to protect civilian populations as a whole against the effects of hostilities, especially against aerial bombardment. It was primarily to cover this point that work was begun which resulted in the adoption of these Protocols in 1977. In the course of this work, it quickly became apparent that it was only increasing regulation of the conduct of hostilities that this general protection could be improved. The distinction between rules designed to protect victims and those intended to regulate the conduct of hostilities thus became an artificial one, and the 1977 Protocols contained rules belonging to both categories.

Thus, while supplementing the Geneva Conventions of 1949, the Protocols also contain rules on the conduct of hostilities, a question which had been neglected since the start of the century. The Protocols reaffirm the principles and rules set forth at The Hague in 1899 and 1907 and supplement them with rules testifying to present-day concerns — such as protection of the environment. Even though the means available to armies for making war in 1900 had no common measure with those at hand today, the rules adopted at the turn of the century are still surprisingly relevant.

The fundamental principle is the following: “The right of the Parties to the conflict to choose methods or means of warfare is not unlimited” (Protocol I, Article 35, Paragraph 1). Several rules give reality to this principle, in particular the one stating that, “It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury (Article 35, Paragraph 2) and “methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment” (Article 35, Paragraph 3).

There was also ready agreement on the fact that civilians as such, in the same way as civilian objects, must not be attacked. However, absolute protection for civilians could be achieved only by eliminating war, which, as we have seen, cannot be achieved by international humanitarian law (see above, pp. 132-3). The heart of the problem of protecting civilians is to know to what extent it is possible to prevent civilian

injuries through “incidents” — that is to say accidental events — which inevitably occur in the course of attacks on military objectives. Various rules have been formulated in this connection, stipulating, for instance the obligation to do everything possible to verify that the objective of a planned attack is in fact of a military nature; to “take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing,” civilian injury; and — most difficult to assess in practical terms — to “refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians... which would be excessive in relation to the concrete and direct military advantage anticipated” (Protocol I, Article 57). There is also a prohibition, except under specified conditions, against attacking “works or installations containing dangerous forces,” such as hydraulic dams and nuclear generators (Protocol I, Article 56).

A number of these rules mention methods and means of warfare whose use is totally forbidden or simply restricted, but none of them specify precisely what weapons they cover. Several delegates to the Diplomatic Conference on International Humanitarian Law considered that these rules lost much of their efficacy if they were not completed by specific prohibitions and limitations with respect to certain weapons. An *ad hoc* Commission was accordingly created by the Diplomatic Conference, whose work was facilitated by the meeting of two conferences of government experts organized by the ICRC in 1974 and 1976. It was agreed to consider only conventional weapons. This meant the exclusion of the ABC weapons (atomic, biological and chemical). The reason for this exclusion derived from the great strategic importance of these weapons. To forbid them in international humanitarian law would have had profound effects upon the worldwide balance of forces. For this reason, the States considered that the problem of ABC weapons could only be dealt with in the overall framework of disarmament. Despite this restriction, certain delegations expressed the belief that specific rules concerning various weapons did not belong in the Protocols, and the Conference finally gave up the idea of introducing them. It did recommend, however, that a conference of governments should be convoked in 1979 at the latest with a view to reaching “agreements on prohibitions or restrictions on the use of specific conventional weapons” and “agreement on a mechanism for the review of any such agreements and for the consideration of proposals for further such agreements” (Resolution 22). We shall refer below to this conference, which led, on 10 October 1980, to the adoption of a convention and three protocols.

Before doing so, it is advisable to consider the 1977 Protocols in some further detail, with respect to applicability, control, repression of infractions and reparation for injuries.

As to applicability, Protocol I, which supplements the four Geneva Conventions, follows their pattern of application. Moreover, it adds the possibility, unknown in the Conventions, for both the whole of the Conventions and Protocol I to be applicable in wars of liberation. Protocol II, supplementing Article 3 common to the Geneva Conventions, is applicable in non-international armed conflicts, though its range of application appears to be somewhat more restrictive than that of Article 3. In common with Article 3, it is automatically applicable as soon as the conditions exist for its application on the territory of a contracting party, without awaiting any kind of declaration by the "dissident" party, who is presumed to be bound by it.

With regard to control, Protocol I strengthens the system of Protecting Powers and of their possible substitute, as provided for in the Conventions and which, it must be recognized, has not operated well up to the present. It seeks to make the system automatic (Article 5) and also provides (in Article 90) for the establishment of an International Fact-Finding Commission, competent to investigate alleged grave breaches of the Geneva Conventions or of Protocol I and to "facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and this Protocol". The States which become parties to the Protocol, however, are free to choose whether to accept the competence of the Commission, which is only to be created after acceptance by twenty contracting parties. The present situation is hardly encouraging; of the 22 States which are now parties to the Protocol, only four — Sweden, Finland, Norway and Switzerland — have so far recognized the competence of the Commission.

Protocol II, like Article 3 of the Conventions, has no provision for control (or on repression of infractions and reparation for injuries), which is explicable by the non-international character of the conflicts covered by this instrument.

The provisions of Protocol I relating to the repression of infractions, are based on the system embodied in the Conventions, but develop and strengthen that system. As in the Conventions, there is an obligation to *stop* all infractions and to *repress* all grave infractions. The list of grave breaches specified in the Conventions is augmented in the Protocol (Article 85).

These grave breaches include "making the civilian population or individual civilians the object of attack", and "launching an indis-

criminate attack affecting the civilian populations or civilian objects” which does not respect the principles of proportionality set forth in Article 57, Paragraph 2 (a), iii, of the Protocol (see above, p. 145). The Protocol also clearly specifies that failure to act when under a duty to do so can also constitute a grave breach (Article 86) and contains provisions concerning the responsibility of commanders to take all necessary measures to prevent the commission of infractions (Article 87). The principle of mutual assistance by the parties in criminal prosecutions is also set forth (Article 88), as is that of co-operation with the United Nations with regard to grave breaches (89).

With respect to reparations for damages, a brief article, Number 91, was introduced into the Protocol, stating, “A party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.” This article is by no means of negligible interest. It had not been included in the ICRC draft which, on this point, trusted to the system in the Conventions; it was introduced by Commission I of the Conference on International Humanitarian Law on the basis of a proposal initially put forward by three delegations. As compared to the article common to the Conventions the new article in the Protocol represents progress inasmuch as it does not confine itself to responsibility for *grave* breaches. It is nevertheless somewhat vague and the words “if the case demands”, in particular leave room for controversy. In addition, responsibility appears to be limited to acts committed by persons who are members of the armed forces of the party in question. In this connection, however, it is worthy of note that at the time the article was adopted a delegate made the point that it did not exclude responsibility for any cases not covered by it. As an example the delegate mentioned that “a State was responsible for all acts committed by its bodies and not only for acts committed by persons forming part of its armed forces”.¹⁶ In short, this article is important because of the principle which it reaffirms and develops, but it gives no guidance for the practical application of this principle.

10. Conventions of 10 October 1980 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons

As noted above (see p. 145), the Diplomatic Conference on International Humanitarian Law had recommended in its Resolution 22

¹⁶ *Official Record of the Diplomatic Conference on International Humanitarian Law*, Vol. VI, p. 344 (CDDH/SR. 46, par. 23).

the Convocation of a conference of governments on prohibitions or restrictions on the use of specific conventional weapons. Accordingly, the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, after two preparatory meetings, took place from 10 to 28 September 1979 and 15 September to 10 October 1980. It adopted a Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and three Protocols namely: the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) and a Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III). Opened for signature on 10 April 1981 for a period of 12 months, the Convention was to enter into effect only after 20 States had subscribed to it. Texts adopted by *consensus*, however, have a certain value from the very day of their adoption, and this is especially true for the conventions embodying international humanitarian law. It would seem shocking indeed if a State, after recognizing the indiscriminate or particularly cruel character of a method or means of combat in an international conference were subsequently to use such a method or means and attempt to justify its act by legal arguments. A proposal was in fact made with a view to making these instruments effective before they formally entered into force.¹⁷

The Convention provided a simple procedure for amendment, through conferences practically every ten years at least (inasmuch as after that lapse of time a single State may require the depositary to convene a conference), and more frequently if a majority of the States parties request a conference. Such conferences will be able to revise the Convention and the existing Protocols and also adopt new Protocols, covering other categories of weapons.

On the other hand, no provision was made for control, repression of infractions and reparations for injuries. Even though the Convention is not undisputably bound to Protocol I of 1977, it seems legitimate to consider that the Convention and the three Protocols of 10 October 1980 do in fact supplement that Protocol, and hence to apply its rules on control, repression of infractions and reparations. For example, it

¹⁷ Draft Resolution A/Conf. 95/L. 6, asking all States not bound by the Convention of 10 October 1980 and engaged in an armed conflict to notify the Secretary-General of the United Nations that in the conflict they will apply the Convention and one or more of the protocols annexed to it vis-à-vis all other parties to the conflict which accept and discharge the same obligations.

could be considered that the prohibition against using incendiary weapons against military objectives located within concentrations of civilians, contained in the 1980 Protocol III, is covered by the general rule in Protocol I of 1977 requiring combatants to "refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects... which would be excessive in relation to the concrete and direct military advantage anticipated" (Article 57, 2 a, iii). If we accept this point of view, the Protecting Powers to be appointed under the terms of the Protocol could be called upon to ensure respect for this rule (Article 5, paragraph 1); to the extent that the competence of the International Fact-Finding Commission is recognized, the Commission could be charged with carrying out an enquiry (Article 90); such an attack should be repressed as a grave breach of 1977 Protocol I (Article 85, 3 b) and lastly the payment of indemnities should be considered under the terms of Article 91.

This question, however, has not been fully clarified. First of all, it is not impossible for a State to be bound by the 1980 Convention and Protocols without being a party to 1977 Protocol I and it would be unrealistic to attempt to apply the provisions of that Protocol to such a State, even though, on some points, it does no more than affirm or develop the "Law of the Hague" which has generally come to be recognized as customary law (see above. p. 137). It would be a mistake in any event to consider the 1980 Protocols as constituting no more than "interpretations" of the general rules of Protocol I of 1977. Such an attitude, which would make it possible to regard the Protocols of 1980 as automatically applicable to the States which are parties to Protocol I of 1977, would certainly be wrong. The long negotiations which led to the Protocols of 1980 do not justify treating them as a mere "interpretation" of previously existing rules and any *a posteriori* judgement based only upon them could certainly not be legally sustained. It is nonetheless difficult to dismiss the work leading to the 1980 Convention and Protocols as an important element in determining the exact substance of some of the provisions of Protocol I of 1977, and only future experience will enable us to ascertain, with some degree of precision, the relation between these instruments.

Below, we shall review the three Protocols which now supplement the Convention, briefly in the case of the first and third, somewhat more extensively for the second, which is the most interesting in relation to this study. We must stress that each of the Protocols must be read in the context of the Convention, of which the general

provisions (scope, signatures, ratification, accession, denunciation, entry into force, revisions, amendments, etc.) form the basis of the Protocols.

11. Protocol of 10 October 1980 on Non-Detectable Fragments (Protocol I)

The very concise text of this Protocol reads as follows: "It is prohibited to use any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays." Such weapons have been very little (or never) used up to the present time. The Protocol thus has no immediate importance, but it constitutes a ban for the future. It is the expression, in a particular case, of the principle that the purpose of a weapon must not be to prevent the care and healing of the wounds it causes.

12. Protocol of 10 October 1980 on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)

The purpose of this Protocol is to reduce as much as possible the civilian losses and damages caused by the weapons which are its subject. It is concerned with a very real problem: a considerable number of civilians are killed or maimed by mines during and after armed hostilities. It refers only to weapons used on land — and specifically excludes "anti-ship mines at sea or in inland waterways" (see Article 1).

General restrictions are set forth first (Article 3), which are valid for all the weapons covered by the Protocol. They apply specifically to mines, booby traps and other devices, the general rules in Protocol I of 1977, namely the absolute prohibition against attacks on civilians, and against indiscriminate attacks — especially if the "incidental" civilian losses and injuries would be "excessive in relation to the concrete and direct military advantage anticipated." They also demand all possible precautions to spare civilians.

Three subdivisions are then made, the first covering particularly perfidious devices, the second mines which are remotely delivered and the third mines other than those remotely delivered, booby traps and other devices.

Agreement was reached on a total prohibition of particularly perfidious devices (Article 6), especially those "in the form of an apparently harmless portable object which is specifically designed and constructed to contain explosive material and to detonate when it is disturbed or approached" as well as those attached to various persons,

animals, signs, places or objects particularly likely to attract — and hence to kill or wound — civilians. After all, have we not indeed seen such traps attached to children's toys?

Remotely controlled mines, defined as mines "delivered by artillery, rocket, mortar or similar means or dropped from an aircraft" (Article 2, paragraph 1) also deserve to be treated separately. Since it is difficult to place them with precision, there is a correspondingly great risk that they could injure civilians. It was impossible to prohibit such mines completely, in view of their military importance, but their usage was admitted only in zones constituting military objectives or containing such objectives and if their location could be accurately recorded or if they contained a neutralizing mechanism and could be rendered harmless after fulfilling their military purpose.

Mines placed directly, booby traps which are not totally forbidden and "other devices" (which are defined as "manually-emplaced munitions and devices designed to kill, injure or damage and which are actuated by remote control or automatically after a lapse of time" — Article 2, paragraph 3), are forbidden where civilians are concentrated unless a combat is taking place or appears to be imminent.

Even under these circumstances, these weapons can only be used in the close vicinity of a military objective belonging to or under the control of an adverse party, or, when they are placed elsewhere, if measures are taken to protect the civilian population from their effects, by placing sentries, posting signs, providing fences, etc.

The location of pre-planned minefields and zones for booby traps must be recorded. Such recording shall also be made insofar as possible for other minefields and booby trap zones put in place in conformity with the provisions of the Protocol. A technical annex sets forth the principles for such recording.

Immediately after the cessation of active hostilities, the parties should in general exchange information concerning minefields and booby traps so that they can be rendered harmless to the civilian population (Article 7).

One article deals with the protection of United Nations missions (Article 8) and the final article of the Protocol proposes the principle of international co-operation for the clearing of mine fields, and the removal of mines and booby traps (Article 9). This article reads as follows:

"After the cessation of active hostilities, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, on the provision

of information and technical and material assistance — including, in appropriate circumstances, joint operations — necessary to remove or otherwise render ineffective minefields, mines and booby traps placed in position during the conflict.”

Even though the rule is not stated in particularly forceful terms (the parties *shall endeavour* to reach agreement), its inclusion in the Protocol may be regarded as a success.

13. Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)

This Protocol is important because it not only forbids the use of incendiary weapons against civilians as such but also against military objectives located within concentrations of civilians. This prohibition is absolute with respect to air attacks, a fact which constitutes a great step forward in the protection of civilians, for the risks of “incidental” civilian losses in incendiary air attacks against military objectives are obviously very great, as evidenced by numerous past events.

III. CONCLUSIONS

Modern international humanitarian law, during its still brief history, has been mainly oriented toward protection of victims of war who are at the mercy or in the power of their enemies. Various rules have nevertheless been adopted, in particular in the Hague Conferences of 1899 and 1907, to set limits also to methods of warfare. The desire to protect civilian populations as a whole against the effects of war, fully justified by the evolution of armed conflicts, rendered necessary the reaffirmation and development of those rules. This was done in the Protocols of 8 June 1977 additional to the Geneva Conventions. The Convention of 10 October 1980 and the three Protocols annexed to it, banning or restricting the use of certain specific weapons, are a logical sequel to the rules contained in the 1977 Protocols. Concerning mines and booby traps in particular, the principle is that they must not cause more than the fewest possible civilian deaths and injuries, during and after hostilities. To achieve this international co-operation is necessary.

With the Protocols of 1977 and the instruments adopted in 1980, it appears that international humanitarian law has attained the limit of its possibilities. True, the use of some weapons could probably be still further restricted and other weapons could perhaps be added to the

three categories covered by the Protocols of 1980, but so far as its principles are concerned, international humanitarian law could hardly develop any further without "preventing" armed conflicts from taking place at all, which is not its function as we observed in the introduction to this study. The proportions of the conflicts now going on, and above all of the potential conflicts which threaten us all, in view of the weapons now in the hands of the States, makes it obvious that we must exert unceasing efforts, going beyond attitudes and gestures which have become routine, in order that the principle of non-resort to force, set forth in the United Nations Charter, may at last be truly applied. It is clear, however, that such efforts cannot take place within the limited ambit of international humanitarian law.

While it has virtually reached the limit of its possibilities so far as its content is concerned, international humanitarian law has made considerable advances with respect to its applicability. Today, 151 States are formally bound by the Geneva Conventions and a number of the principles of international humanitarian law are now regarded as a part of international customary law. The characterization of different types of conflict nevertheless complicates the application of many of the provisions of international humanitarian law. If we look forward to further progress, we shall have to seek it through a broader recognition of the applicability of the essential standards of international humanitarian law from the moment that armed hostilities begin, no matter how those hostilities may be classified.

Even when the applicability of international humanitarian law is recognized, its practical implementation often remains uncertain. Although no rule on control and sanctions were laid down in the earlier instruments of international humanitarian law, provisions have subsequently been introduced to settle such matters. Despite all this, however, we are still dependent upon the good will of States, and the creation of a judicial authority which can impose upon them its decisions with respect to the interpretation and application of international humanitarian law is a utopian ideal inasmuch as it is precisely the lack of such an authority, recognized by the States for the entire body of international public law, which impels States to resort to force, thus justifying and necessitating the existence of international humanitarian law.

The principle of international co-operation after the end of armed hostilities, to prevent damage by certain means of warfare which continue to be dangerous, is not yet highly developed in international humanitarian law. Such co-operation has, nevertheless, been dealt

with in the context in which it appeared most important, namely the disposal of mines and booby traps. A rule on this question was set forth as early as 1907 in the Convention relating to the use of automatic underwater contact mines and it reappears in the Protocol II of 1980. Even though it is still formulated in a manner which is not legally enforceable, it appears essential that it should in fact be applied after armed hostilities have ceased, in keeping with the general principle of humanity and for the resumption of normal relations between former belligerents.

Reparation for damage caused by violations of international humanitarian law is also treated rather timidly in that law. This is not surprising, since the law should, naturally, concern itself mainly with setting forth the urgent rules applicable during hostilities and, for the most part, not be concerned with what happens after hostilities are over and relations between the former belligerents have been resumed. "Keeping the books" on human suffering, after the fighting is over, is not really a part of its role. Some provisions do nevertheless touch on this problem in general terms. This is mainly an attempt to make sure, during negotiation of an overall settlement of the conflict, that attention will not be given only to discussing responsibility for the conflict, while forgetting all about the violations which occurred in the course of the fighting. Victims of violations of international humanitarian law have the right to be indemnified, whether they belong to a State which committed an aggression or a State which was the victim of an aggression. Even if it is the winner in a just cause, a State is responsible for paying the indemnities it owes. Even though it is extremely difficult to apply in practice, this principle is clear and fair. It gives weight to international humanitarian law.

However, we cannot ignore the fact that the whole of this law depends upon the good faith of the parties in conflict, and on the common interest in applying humanitarian standards which are of benefit to all the victims. Rather than to the legal means at hand, it is therefore to the good will of States that we must appeal, at the end of a conflict, to settle questions of co-operation and indemnities.

Yves Sandoz,
Deputy Director
Department of Principles and Law
International Committee of
the Red Cross

INTERNATIONAL COMMITTEE OF THE RED CROSS

Recognition of the Red Crescent Society of the Yemen Arab Republic

GENEVA, 30 April 1982

CIRCULAR No. 522

*To the Central Committees of National Red Cross
and Red Crescent Societies*

LADIES AND GENTLEMEN,

We have the honour to inform you that the International Committee of the Red Cross has officially recognized the Red Crescent Society of the Yemen Arab Republic. This recognition came into force on 22 April 1982 and brings to 129 the number of member Societies of the International Red Cross.

The new Society transmitted to the International Committee, on 19 April 1982, its application for recognition dated 7 April 1982. The request was supported by a report on the Society's activities, the texts of its Statutes, copies of the Presidential decree of 16 July 1970, announcing the creation of the Society, and of the ministerial declaration of 15 April 1982 certifying that the Red Crescent Society is recognized by the Government as a voluntary and independent aid Society, auxiliary to the public authorities and as the only Red Crescent Society in the Yemen Arab Republic.

These documents, which were examined jointly by the International Committee and the Secretariat of the League of Red Cross Societies, showed that the ten qualifying conditions for recognition of a new National Society had been fulfilled.

The Red Crescent Society of the Yemen Arab Republic has been visited several times in recent years by representatives of the International Committee and of the League of Red Cross Societies, who noted that the Society has a large number of voluntary workers and a good operational capacity. Outside Sana'a, the Society is active in each of the five provinces of the country. It focuses particularly on the training of first aid workers and on medical and social assistance to refugees, repatriated and displaced persons and to victims of natural disasters; it is also concerned with promoting knowledge of the work and principles of the movement in hospitals, schools and prisons, and, at a later stage, in government circles, the army and the university. It co-operates with the Ministry of Health in matters of education, hygiene and disease prevention and is active on behalf of young people and the disabled.

The Yemen Arab Republic acceded to the 1949 Geneva Conventions on 16 July 1970.

The Society is presided over by Mr. Mohamed Ahmad Al-Rahdi and its Secretary-General is Dr. Abdella Hamud Al-Khameesi. Its headquarters is in Sana'a.*

The International Committee of the Red Cross has pleasure in welcoming the Red Crescent Society of the Yemen Arab Republic to membership of the International Red Cross, in accrediting it and commending it, by this circular, to all other National Societies, and in expressing sincere good wishes for its future and for the success of its humanitarian work.

FOR THE INTERNATIONAL COMMITTEE
OF THE RED CROSS

Alexandre HAY

President

* The new Society's address is: Yemen Red Crescent Society, P.O. Box 1471, SANA'A, Yemen Arab Republic.

The President of the French Republic visits the ICRC

The President of the Republic of France, Mr François Mitterrand, visited on June 2 the headquarters of the International Committee of the Red Cross during his stay in Geneva. Mr Mitterrand was accompanied by Mrs Nicole Questiaux, Minister of National Solidarity, and Mr Jean Auroux, Minister of Labour. He was welcomed by the ICRC's President, Mr Alexandre Hay, and a former ICRC President, Mr Marcel Naville, together with members of the ICRC's Directorate. Also present were representatives from Geneva authorities and from the League of Red Cross Societies.

After recalling the past century's links between France and the ICRC, Mr Hay gave Mr Mitterrand an outline of the ICRC's current activities.

Visit of Pope John Paul II to the ICRC

Pope John Paul II visited the International Committee of the Red Cross in Geneva on 15 June 1982, the first visit by a sovereign pontiff of the Roman Catholic Church to the ICRC. He was accompanied by Cardinals A. Casaroli and B. Gantin and numerous other church dignitaries.

The Pope was greeted on his arrival by the President of the ICRC, Mr. Alexandre Hay, together with members of the International Committee, the directors of the ICRC, representatives of the League of Red Cross Societies, of the Swiss Red Cross and of the Henry Dunant Institute. Official representatives of the Swiss Confederation, the Republic and Canton of Geneva, the City of Geneva, the United Nations Office in Geneva and the International Labour Office were also present.

In his reply to the ICRC President's greeting, the Pope launched an urgent appeal for "respect for the international humanitarian conventions and additional Protocols by the States and authorities whose function it is to apply their wise provisions. It is the duty of each State, with the welfare of its citizens at heart, to subscribe to them without reservation and to put them into practice."

"Who would not subscribe", said the Pope, "to the basic principles of the Red Cross, and, in particular, to its promise to protect life, to ensure respect for the human person without discrimination, and to promote mutual understanding, friendship, co-operation and a lasting peace among all peoples?"

The Pope then severely criticized torture, "this foul plague on mankind", and inhuman treatment "which causes humiliation and suffering to the victim and degrades the tormentor".

Finally, he expressed his satisfaction for the good working relations, already considerable in the field, between the Red Cross and the Catholic voluntary organizations, in assisting people in need, and his appreciation "that the Holy See and the ICRC are in the process of studying ways of greater co-operation in their work for peace".

For the ICRC, founder of the world Red Cross movement, the Pope's visit illustrates the will of the Catholic Church and of the Red Cross to protect the dignity of man and to promote human rights throughout the world; it gives rise to hopes for developing co-operation between the Catholic Church and the Red Cross, already evident on numerous occasions, in humanitarian operations and the promotion of peace.

The address of the ICRC President and the speech of the Pope will be printed in the next issue of *International Review*.

Zaire accedes to Protocol I

The Republic of Zaire, on 3 June 1982, deposited an instrument of accession to Protocol I Additional to the Geneva Conventions of 12 August 1949 for the Protection of Victims of International Armed Conflicts (Protocol I), adopted in Geneva on 8 June 1977.

Pursuant to its provisions, the Protocol will come into force for the Republic of Zaire on 3 December 1982.

With this accession, 23 States are now parties to Protocol I and 20 to Protocol II.

EXTERNAL ACTIVITIES

Africa

Southern Africa

Angola

The ICRC Vice-President, Mr. Richard Pestalozzi, and the delegate general for Africa, Mr. Jean-Marc Bornet, went on a mission to Angola from 18 to 28 March. They had talks with the authorities concerning the ICRC's activities on the central Planalto and in the southern part of the country.

Activities on the Planalto

In April, more than twice as much relief was distributed as in the preceding month, reaching 456.5 tons for 45,700 beneficiaries, compared with 187 tons for 27,000 beneficiaries during March. There were two main reasons for this increase: firstly the efforts made in the Katchiungo area in response to the needs established, and secondly the start of general distributions to about 15,000 displaced persons in the province of Bié. It should be noted that the ICRC team was only gradually able to resume its movements in the area after the end of March, following the attack on the township of Mungo on 20 February this year (see the last issue of the *Review*).

In the Bailundo area, where the health of the population showed a marked improvement, the ICRC concentrated its energies on the special feeding centre. Regular assistance was also supplied to Lunge, a village to the east of Bailundo, and in Bailundo itself.

In the Katchiungo area, armed attacks were made on numerous villages receiving assistance from the ICRC, whose stores there were repeatedly looted or burned. The frequency of food distributions was

therefore increased, in order to reduce the quantities held in stock. By the end of April, the nutritional level of the population there had virtually reached that already achieved in the Bailundo region and, as in Bailundo, the number of admissions to the special feeding centre had begun to decline.

As the delegates' movements in the province of Bié were confined to the proximity of the capital, Kuito, a programme of general distributions of maize flour was organized. In this way the village people could be assisted, those who were receiving ICRC aid coming every three weeks to Kuito to receive their rations and take them home. In April this activity was considerably extended, with approximately 15,000 persons from 68 different villages receiving assistance. By the end of April, this system had already enabled more than 1,000 persons housed in shanties at Kuito to return to their own villages, together with at least another 500 people living in the transit camp of the "Angola Red Cross". The management of this camp, set up with the co-operation of the ICRC and accommodating about 2,000 people, was taken over completely by the local "Red Cross" from the beginning of March. The special feeding centre built by the ICRC for the province of Bié was finally opened, after a delay due to technical difficulties. At the end of April, some 200 persons, about half of them children, were being treated there for serious malnutrition.

In the night of 8 to 9 March, part of the buildings of the orthopaedic centre at Bomba Alta was damaged by an explosion. There were no casualties, but the material damage sustained affected the work of the technicians, who lost some of their equipment. An inquiry attributed the explosion to a gang of thieves.

Activities in southern Angola

During his mission to Angola, the ICRC delegate general for Africa, Mr. J.-M. Bornet, visited Lubango on 18 and 19 March, and had discussions with the provincial and military authorities. He also went to N'Giva.

After a mission to assess medical needs in the south in March, a second nurse was sent to N'Giva, although it was not considered necessary to station a doctor there. In Lubango, the sub-delegation was enlarged by one additional delegate.

Flights carrying relief supplies were made directly from Luanda to N'Giva. But on 5 April the authorities suspended permission for these flights for security reasons, and by the end of April the air link had not yet been re-established.

An air bridge organized from the regional delegation office at Harare, Zimbabwe, succeeded on 23 March in delivering two armoured vehicles to the sub-delegation at Lubango. A third vehicle, for Huambo, together with assorted equipment and spare parts, were sent at the same time.

Activities of the Tracing Agency

Two delegates have been sent out by the Agency to Angola in view of the increase in tracing activities there, due to the situation in the south of the country. The disturbances in the Cunene area have led to many families moving to Matala, Cuvelai and Chiange, where the Tracing Agency is establishing a communication system to enable messages to be exchanged between family members who have remained in Cunene and those resettled in the south. But most of the family messages exchanged hitherto have concerned Angolan prisoners of war held in Namibia. Negotiations with the authorities to facilitate the direct transport of family parcels to these prisoners were still continuing at the end of April.

Republic of South Africa

In addition to its customary activities of protection and assistance for detainees' families and for ex-detainees in need, the ICRC delegation based in Pretoria continued its efforts in March and April, to organize meetings on the Angolan frontier between the delegates stationed at Windhoek and those in N'Giva (southern Angola). Such meetings would greatly facilitate the exchange of family messages and the forwarding of parcels to Angolan prisoners of war held in Namibia/South-West Africa.

In March, two delegates, one of them a doctor, again visited the two prisoners of war—one Soviet, one Cuban—in South African hands.

ICRC delegates, including a doctor, also carried out two missions to the Venda "homeland" on 10 and 23 March and the Bophutatswana "homeland" in 5 March. For the first time, they had access to 6 persons detained for security reasons. In addition to visiting the sole security detainee in Bophutatswana, the ICRC, acting as intermediary between that "homeland" and Zimbabwe, helped to arrange the repatriation of 81 Zimbabweans on 16 March.

Namibia / Southwest Africa

In Namibia, where ICRC protection activities concern various categories of prisoners, a team of 4 delegates, one them a doctor, visited

Mariental camp from 16 to 18 March and saw 114 Angolan prisoners of war, 29 for the first time. During this new series of visits, in addition to having access to the 117 detainees, including one woman, imprisoned under Decree No. 9 of the General Administrator, the delegates were given permission by the authorities to make a first visit to 17 new detainees captured carrying arms.

In March, the delegates were authorized to visit 5 prisoners held for security reasons in the prison at Windhoek and awaiting trial; 2 of them were visited for the first time by the ICRC.

Botswana

From 29 March to 5 April, the head of the ICRC regional delegation based at Harare (Zimbabwe), Mr. F. Robadey, and the delegate in charge at Maputo, Mr. Berchtold, represented the ICRC at the regional seminar organized by the League at Gaborone. The ICRC delegate general for Africa, Mr. Borner, also took part in this meeting on the day devoted to the dissemination of knowledge of humanitarian law and to the preparation of National Societies for activities in times of conflict.

Southern Africa

Swaziland

Following the meetings in Gaborone, the ICRC delegate in Mozambique, Mr. Berchtold, visited Swaziland on 19 and 20 April to discuss with the leaders of the Red Cross Society there some problems regarding dissemination and preparation for the eventuality of armed conflict. He also had to re-establish contact with Government authorities.

Zimbabwe

During talks with the Minister of Health in Zimbabwe, Mr. Robadey was informed that the proposed rehabilitation programme for war amputees, to which the ICRC was to contribute 150,000 Swiss francs, had been abandoned by the Health Ministry. The possibility of contributing to a similar programme administered by the Ministry of Labour and Social Welfare is currently under consideration.

East Africa

Uganda

The ICRC closed its delegation in Uganda on March, as the result of an official injunction to this effect by the Ugandan authorities. On 19 March Mr. Richard Pestalozzi, ICRC Vice-President, went to Kampala, where he met the Vice-President of the Republic and the Secretary of State for Foreign Affairs. Mr. Pestalozzi informed them of the grave concern felt by the ICRC about the Uganda Government's decision and the practical consequences which it entailed, especially in relation to protection. He reminded them that ICRC delegates had been able to carry out their protective mission from May 1979 until 14 December 1981, when the authorization to visit detainees arrested following the conflict between Uganda and Tanzania had been withdrawn. The ICRC also informed the Uganda Government of its desire to continue the dialogue in the hope of resuming in the near future its protection activities which are specific to the ICRC and correspond to a humanitarian need.

The ICRC delegates had begun visiting the Uganda prisons three weeks after the delegation was opened in May 1979. The number of detainees visited each year between 1979 and 1981 was 4,500 to 6,000; the ICRC also provided them with relief supplies and medical assistance. The Ugandan authorities had furthermore agreed in August 1980 to the delegation's request to release certain categories of detainees for humanitarian reasons. The ICRC had also provided protection for civilians in the West Nile province and in the area around Kampala.

Regarding assistance activities, they were mainly concentrated, after the emergency phase, in the West Nile region, where special convoys took relief to displaced persons and refugees who had returned to their homes. In 1981, the distribution of relief was extended to the victims of sporadic incidents in the neighbourhood of the capital. From 1979 to 1982, the delegation in Kampala and the sub-delegation in Arua distributed 780 tons of relief supplies valued at more than 3 million Swiss francs. Medical assistance to the value of more than 2 million Swiss francs was also supplied by the ICRC.

Tanzania

The ICRC regional delegate in Nairobi went on mission to Tanzania in mid-March. He handed to the authorities the reports on the visit made by the ICRC in September 1981 to some twenty persons detained in Tanzania following the conflict with Uganda. It may be recalled that

the ICRC, concerned about the fate of these detainees, who in 1980 refused to be repatriated, had contacted the UNHCR, which is responsible for finding a host country for them.

Burundi

A mission to Burundi was carried out at the end of March for a series of visits to places of detention, in accordance with the agreement in principle concluded with the authorities in June 1981. At the Government's request, the visits were postponed until the end of August. The mission nevertheless provided an opportunity to raise other problems: the position with regard to adhesion to the Additional Protocols of 1977 and the possible organization of a seminar on international humanitarian law, respect for this law and for human rights, especially in relation to penal proceeding and the requirements of national security.

Rwanda

Three delegates travelled to Rwanda in April to discuss various points with the authorities: the possibility of protection action in favour of persons detained, the procedure of adhesion to the 1977 Protocols, the procedure for official recognition of the Rwanda Red Cross by the Government and the possible organization of a seminar on international humanitarian law. The delegates met Mr. F. Ngarukiyintwali, Minister for Foreign Affairs and Co-operation, Mr. C. Nkurunziza, Minister of Justice, Mr. I. Musafiri, Minister of Health, and Mr. Karemera, Minister at the Presidency. In addition, the delegates had discussions with the leaders of the "Rwanda Red Cross".

Although the Rwanda authorities were in favour of protective action by the ICRC, they did not accept the principle of interviews without witnesses with detained persons, particularly in the case of those in preventive detention, owing to Rwandan penitentiary regulations. The ICRC was therefore obliged to decline the authorization given to visit all categories of detainees and all places of detention in the presence of representatives of the Justice Ministry.

Central and West Africa

Zaire

The presence of the ICRC in Zaire was made official by the signature of an agreement, on 27 February 1982, between the Government of

Zaire and the International Committee. The ICRC had resumed its activities in the country in 1978.

From 1 to 31 March, a series of visits in accordance with the ICRC standard procedure was made by an ICRC delegation, including a medical delegate and a hygienist, to places of detention in the province of Kivu, in eastern Zaire. A total of 1,071 detainees were seen in 27 places of detention administered by the Ministry of Justice, the Zaire armed forces and the security services. Almost one and a half tons of relief supplies (food, blankets, toilet articles, etc.) were distributed in the course of these visits, together with medical kits to the value of 7,000 Swiss francs.

Follow-up visits were made in April, and the military prison of Ndolo, in the capital, was visited at the end of the month.

From mid-February to mid-April a hygienist was attached to the delegation to examine conditions of hygiene in the prisons, in Kinshasa and in Kivu province.

Ghana

Several approaches to the Ghana Government have been made since the coup d'état of 31 December 1981. The latest was an offer of services, requesting access to places of detention, and a memorandum setting out the procedure for ICRC visits, submitted to the Ghana authorities on the occasion of a mission to that country in April.

The Gambia

The ICRC having been informed orally that the Gambian and Senegalese authorities were favourable to protection activities by the International Committee, an ICRC delegate travelled to Gambia in March to continue negotiations with a view to obtaining access to places of detention in the country. An offer of services had been made in August 1981, for visits to persons arrested following the attempted coup d'état on 29 July 1981.

The mission was not successful, as the Gambian authorities were not available for discussion.

Sudan

The medical assistance given by the Swiss Red Cross to the hospital at Kassala under the supervision of the ICRC was taken over by the League on 1 April, in agreement with the Sudanese Red Crescent.

It will be recalled that the ICRC had taken charge of medical activities at the Kassala hospital, previously under the supervision of the Office of the United Nations High Commissioner for Refugees (UNHCR), at the beginning of 1979, in collaboration with the Swiss Red Cross and with the agreement of the UNHCR. The principal task of the four-person medical team (including one surgeon), made available by the Swiss Red Cross, was to treat victims of the conflict in Eritrea both combatants and non combatants. To a lesser extent, and according to need, treatment was likewise provided for the local population. The Swiss Red Cross also supplied medicines and medical equipment for the hospital at Kassala.

The medical care provided by the Norwegian Red Cross in the refugee camps at Khashm-el-Girba and "Kilometre 26" has also been taken over by the League and the Sudanese Red Crescent.

Chad

Two teams of ICRC delegates, each including one doctor, carried out missions in March and April in the conflict zones in Chad to evaluate the needs of the population affected by the fighting. The first team, setting out from N'Djamena, visited the areas of Ati and Mongo in the provinces of Batha and Guera, while the second team, formed of delegates based at Khartoum, travelled to the sectors controlled by the "Armed Forces of the North" (FAN), in particular Biltine and Abéché. As a result of their reports, the ICRC has initiated a programme of medical assistance (establishing a stock of medicines in N'Djamena, distribution systems at Ati and Mongo), and has decided to base a delegation at Abéché in order to develop protection and assistance activities in the FAN zone, with logistic support by the Khartoum delegation.

ICRC delegates also visited 243 prisoners, including 19 FAN prisoners of war held in N'Djamena and 5 persons detained for political reasons. The N'Djamena delegation is supplying food aid to these detainees.

Cape Verde

At the invitation of the Cape Verde authorities, and in order to renew contact with them, an ICRC delegate visited the islands in March. He was received by the head of State, President A. Pereira, and had talks with the Ministers of Foreign Affairs, the Interior, Justice, and

Health and Social Affairs. Various subjects of common interest were discussed, including Cape Verde's adhesion to the Geneva Conventions.

One purpose of the mission was to obtain access to security detainees: on 28 March, the ICRC delegate visited 15 persons sentenced for offences against State security and held in Mindelo prison on the island of San Vicente.

Conflict in the Western Sahara

The offer of services sent by the ICRC on 24 November 1981 to the General Secretary of the Polisario Front, proposing visits to the prisoners in the hands of this movement, was accepted by the Minister of Foreign Affairs of the Sahrawi Democratic Arab Republic (SDAR) in his reply of 6 March 1982.

In a letter from President Hay, the ICRC immediately proposed a date for the visits and stressed that the agreement given by the SDAR should also extend to the procedure followed in the prison visits. Confirmation of agreement to this procedure has not been obtained, nor any indication of the total number of prisoners of war, despite the fact that a delegate was twice sent to Algiers to work with leaders of the Polisario Front on practical arrangements for visits to the prisoners. No protective action has therefore been possible to date. The ICRC is awaiting a reply to its proposal for the continuance of negotiations.

Latin America

Missions from Geneva

On 27 January, Mr. A. Pasquier, ICRC delegate general for Latin America, travelled to *Nicaragua*, where he met representatives of the authorities, including the Deputy Minister of the Interior, the Director of the national penal system, and a member of the ruling junta. The talks dealt with matters relating to the ICRC's protection activities in favour of persons detained for reasons of security.

From 14 to 17 April, Mr. J.-P. Hocké, director of Operational Activities, and Mr. Pasquier carried out a mission to *El Salvador*. The ICRC representatives were received by General Garcia, Minister of Defence. Various subjects concerning detention were discussed, providing an opportunity, in particular, to explain again the procedure for visits to detainees under interrogation and to summarize the results of protection and assistance activities in the country.

El Salvador

During the month of March, in spite of several interruptions in the delegates' work caused by the lack of security and by fighting in the conflict zones, some 36,000 people received ICRC food aid, 340 tons of relief being distributed in collaboration with the National Red Cross Society, under the supervision of ICRC delegates, in the departments of San Vicente, Cabanas, Morazan and Usulután. ICRC action was considerably slowed down, however, in April: the delegates were unable to travel to the Morazan area owing to military operations there, and only 141 tons could be delivered in that period. The total value of ICRC assistance to displaced persons during March and April amounted to 733,000 Swiss francs.

The security problems in the various areas where the ICRC is working were also the reason for extending the radio communications network of the Salvadorean Red Cross. The ICRC financed the installation of three radio stations in local sections of the National Society.

In addition, the ICRC continued its efforts to propagate knowledge of humanitarian principles among officers and other ranks of the armed forces and security forces and among opposition combatants, in an attempt to improve safety conditions.

Medical assistance in March and April took the form of about 5,000 consultations for displaced persons in some twenty villages in the central and eastern areas of the country. The delegates also made an assessment of medical needs in five villages in the departments of Chalatenango and Cabanas.

As part of their protection activities, the delegates visited and registered 266 new detainees. The visits were carried out in accordance with the customary criteria of the ICRC and were the object of confidential reports presented to the authorities.

In March and April the office of the San Salvador tracing agency recorded 528 new requests for inquiries into the whereabouts of missing persons.

On 2 March, the ICRC delegates organized the transport, under the protection of the Red Cross emblem, of 26 persons (11 women and 15 children) from their village to San Miguel. There the UNHCR took charge of their transfer to Panama, to be reunited with their families.

Nicaragua

Continuing their protection activities the ICRC delegates in Managua maintained their regular visits to the places of detention administered

by the national penal service. At the beginning of March, 115 detainees arrested following the disturbances in December 1981 in the province of Zelaya (on the Atlantic coast) and subsequently convicted and transferred to Managua, were finally visited by the delegates, in accordance with ICRC criteria.

But the delegates have still not been authorized to visit the persons arrested for security reasons in the Ocotal area several months ago. This remains a matter of concern for the ICRC.

Until now the ICRC delegates, despite numerous attempts, have not yet received permission to travel to the department of Zelaya to visit the centres where some 8,000 Miskito Indians have been resettled, after being removed by the authorities from their traditional living areas near the frontier with Honduras.

Chile

Mr. Ed. Corthésy, regional delegate for the Southern Cone region, who is based in Buenos Aires, visited Santiago from 22 to 26 March. He presented to Mrs. Gutierrez, Minister of Justice, the report made following the series of visits carried out in December 1981 to the main prisons in the country. Mr. Corthésy also had talks with Colonel R. Schmidlin, National Director of the police and in charge of all places of detention. They reviewed the situation of the penal system as it exists in Chile at present and discussed the protection activities of the ICRC. A fresh series of visits is envisaged for the current year.

Uruguay

Throughout March and April the ICRC continued the negotiations begun over a year ago with the Uruguayan authorities, with a view to settling the procedure for visiting the different places of detention in the country. By the end of April, however, the ICRC had not yet been able to obtain a satisfactory agreement with the military authorities for visits in conformity with the customary ICRC procedure.

Falklands crisis

From the onset of the crisis between the United Kingdom and Argentina over the Falkland Islands, the ICRC kept a close watch on developments, and contacts were made with both parties to enable measures to be taken to give protection, if necessary, to the civilian population of the island and of the southern part of Argentina. On 28 April, the ICRC presented to the two States an offer of services,

referring to the Geneva Conventions and in particular to Articles 14 and 15 of the Fourth Convention, which provide for the creation of hospital and safety zones and of neutralized zones. Both parties replied favourably to this approach, and mission was organized to assess the humanitarian needs and the feasibility of activities on the coast of Patagonia and on the islands. The part of the mission covering the coastal region of southern Argentina was accomplished, but the delegates were unable to travel at once to the islands owing to the fighting. Deeply concerned about the situation of the civilian population in the islands, the ICRC continued its efforts in May and June to send its delegates there.

The ICRC was equally concerned about the fate of the British soldiers captured by the Argentine armed forces during the invasion of the islands and of south Georgia. However, action proved to be unnecessary, since the captured men were released and sent to Montevideo for repatriation.

Asia

Kampuchea

The ICRC's responsibilities in Kampuchea for coordination of medical assistance have been progressively transferred to the League of Red Cross Societies. Dr. Rémi Russbach, chief medical officer of the ICRC, who visited the country from 19 to 23 March, settled the terms and conditions with the authorities in Phnom Penh for a prolongation of the ICRC's activities and submitted a project for a workshop to produce prostheses for war amputees.

During the month of March, the ICRC team was authorized to travel to the four provinces of Pursat, Battambang, Siem Reap and Kompong Thom. As a result of this mission, an emergency assistance programme was set up for the six hospitals, 14 dispensaries and two infirmaries visited.

The assistance programme for orphanages begun in 1981 and continued in 1982 made it possible to help 16 out of the 40 establishments in the country. Following the latest assessment of needs carried out in March in four orphanages in the provinces, basic materials such as blankets, mosquito nets, kitchen equipment and toilet articles were distributed. A water pump was also supplied to the orphanage at Svay Rieng.

Negotiations with the authorities were still in progress at the end of April concerning unaccompanied children in camps on the frontier,

with a view to returning them to their families in the interior of the country. Although more than 100 children and their respective families have been identified, the ICRC has not obtained the authorities' consent to the practical arrangements for reuniting them, and particularly to the preliminary checks to be made.

Thailand

In April the military situation in the frontier region was less tense than in the previous month. Even though there were fewer evacuations than in March, when several frontier camps were shelled, the continued presence of ICRC ambulances near to the areas of disturbance nevertheless proved completely justified. In addition to its regular work of health surveillance, the mobile medical team was again called in frequently to give assistance in emergency situations.

The problem of Vietnamese refugees at Nong Samet was the object of numerous attempts to obtain the consent of the Thai Government to their transfer to a safer place. On 26 March, during a meeting organized at the headquarters of the ICRC delegation, the representatives of seven embassies, of the UNHCR and of the ICRC accepted the Thai authorities' proposal, which was to transfer all Vietnamese refugees to Panat Nikhom, pending their resettlement in countries of asylum within a period of 45 days. Nevertheless, the date of transfer had still not been fixed at the end of April, and the number of Vietnamese refugees exceeded 1,500. Moreover, no acceptable solution had been found for those refugees not eligible for resettlement in other countries.

The ICRC also continued to visit and register detainees in the places of detention at the frontier, at Phnom Chat and Nong Chan. Equipment and food were supplied to improve the living conditions there.

Weekly visits to the military prison at Aranyaprathet were maintained. On 25 March, 71 Vietnamese detainees, including 68 from Aranyaprathet prison, were transferred to Panat Nikhom with the help of the ICRC.

Finally, the ICRC obtained the agreement in principle of the President of the National Liberation Front of the Khmer People (NLFKP) for the extension of ICRC protection activities, including visits to detainees in the camp at Samet, the only place in the hands of this movement not previously accessible to the ICRC delegates.

Traditional activities

From mid-February to the end of April, the delegates visited 278 detained persons in about twelve Thai rehabilitation centres adminis-

tered by the Internal Security Operations Command. The delegation also made approaches with a view to visiting detainees in the centres administered by the Ministry of the Interior.

East Timor

Assistance activities on the island of Atauro

Last February four ICRC delegates, including a doctor, carried out a mission of protection and assessment in East Timor and on the island of Atauro, off Dili. With the agreement of the Indonesian authorities, the ICRC decided to launch an operation to provide food and medical assistance for the displaced population on the island. A six-month emergency programme was therefore drawn up in collaboration with the Indonesian Red Cross.

Between mid-April and the beginning of May, the ICRC delegate at Djakarta, Mr. C. Neukomm, paid two visits to Timor to supervise the initiation of this programme. The first distribution of food on Atauro, begun on 28 April, benefitted almost 3,340 displaced persons. The special feeding centre also started, and children under 5 years old are receiving a daily ration of chicken and rice. A medical programme was due to begin early in May.

Repatriation of Cape Verdians

The operation of repatriating 75 nationals of Cape Verde who were still in East Timor at the end of 1981 was successfully completed on 22 April 1982.

Erratum

There is a translation mistake in the summing up of activities in Indonesia and East Timor of *International Review*, March-April 1982, p. 111.

The sentence in paragraph 3: *On these islands about four thousand detainees were visited* should read: *On these islands about four thousand persons (detainees and displaced persons) were visited.*

We apologize for this mistake, which appears in the English text only of the Review.

Philippines

On 20 April, three teams of two delegates each began a general visit to places of detention in the Philippines. By the end of April, 353 persons, 99 of them "public order violators", had been visited in 12 places of detention out of a total of 41.

Hongkong and Macao

Mr. J.-F. Olivier, ICRC regional delegate for the Far East in Manila, visited Hongkong and Macao from 15 to 22 March, where he met the officers in charge of the tracing agencies in the local branches of the British and Portuguese Red Cross Societies.

Laos

From 8 to 11 March, the head of the ICRC delegation in Hanoi, Mr. T. Germond, visited Vientiane, where he had several discussions with government authorities, in particular the Deputy Health Minister, and with the leaders of the National Red Cross Society.

Pakistan

The ICRC delegate general for Asia, Mr. J. de Courten, and Dr. R. Russbach, chief medical officer of the ICRC, effected a mission in Pakistan from 4 to 12 March in order to reassess the ICRC's operations in favour of Afghan refugees and to define the operational objectives for 1982. A further motive for the visit was to continue the talks begun with the Afghan movements relating to the protection of prisoners in their hands.

The surgical hospital at Peshawar, which has amply proved its usefulness, will be maintained in 1982. In April the number of wounded arriving at the hospital again increased by about 40 people compared with the previous month.

In accordance with the agreement between the head of the ICRC delegation and the Secretary General of the Pakistan Red Crescent, the process of handing over the dispensary in the Adesai refugee camp to the National Society began on May 1.

In Peshawar, at the centre for the treatment of war paraplegics attached to the hospital, all 30 beds were occupied in April. At the prosthetic workshop, the ICRC team continued to fit 3 to 5 patients per week with artificial limbs.

Courses in first aid to the injured have been organized for Afghans and began on 20 March in the hospital at Peshawar. A group of 27 candidates followed the first course, which finished with an examination on 27 April. The experiment was to be continued in May with a second group of about 30 students.

Middle East

Conflict between Iraq and Iran

Visits to prisoners of war in Iran

During the first half of April, ICRC delegates visited hospitals where Iraqi prisoners of war were being treated. A new series of visits to prisoner-of-war camps was planned for the month of April. A complete visit to the camp at Parandak was therefore made from 17 to 21 April, and 3,820 prisoners were seen. The delegates visited the Heshmatieh camp from 25 April to 2 May and saw 2,878 prisoners.

The registration of new prisoners of war, captured during the offensive at the end of March in the Suze and Dezfoul regions, began on 8 May.

Visits to prisoners of war in Iraq

At the invitation of the authorities, the ICRC delegates visited a number of new Iranian prisoners in the camp at Anbar and 9 wounded prisoners in different hospitals, in the interval between two regular monthly rounds of visits.

The delegates made a complete visit to the Mossoul camp from 18 to 20 April and to the Ramadi and Anbar camps from 25 to 29 April. They saw 3,154 prisoners of war.

Family visits to prisoners of war

Since January, negotiations have been in progress to enable the families of prisoners of war to visit their fathers, brothers, sons or husbands detained in the enemy country. A memorandum setting out the procedure for these visits has been drawn up by the ICRC—which acts as the neutral intermediary responsible for coordinating the programme established—and transmitted to the various parties concerned: Iran, Iraq, Turkey and Kuwait (the latter two countries being transit areas for the families).

To make arrangements for this gigantic operation, Mr. Jean Hoefliger, ICRC delegate general for the Middle East, left Geneva on 27 April accompanied by two delegates, one of them a legal expert, to travel to Kuwait, Iraq, Iran and Turkey.

Iran: relief for displaced persons

From 27 February to 2 March, two delegates visited the province of Ilam, where they assisted in the distribution of clothing to displaced persons. It will be recalled that the need for such clothing was noted by an evaluation mission in December 1981, and an appeal was made to various National Red Cross Societies.

Israel and the occupied territories

The months of March and April were eventful in the territories occupied by Israel.

Golan Heights

The strike by 13,000 Druses protesting against the annexation of the Golan Heights, which began in mid-February, continued during March and April as the area was sealed off by the army until the end of March. The ICRC delegates went to the Golan Heights on 16 March, and later made a more comprehensive visit to the various villages on 25 and 26 March. Following this visit, the delegates appealed to the authorities to allow sick persons sent to Israel for treatment to be accompanied by a relative and for the people living in the Golan Heights to be able to obtain a supply of fresh vegetables.

The delegates also visited nine administrative detainees and about twenty persons arrested as a result of events.

Another series of visits in the Golan Heights was carried out on 5 and 6 April, after the military blockade of the area had been lifted.

West Bank of the Jordan

The extreme tension prevailing on the West Bank since mid-March caused the ICRC delegation to intervene in various ways: they visited numerous police stations and military barracks to register the persons arrested and to talk to them without witnesses; they informed families of the arrest of their relatives and distributed family messages to the detainees. They also made several requests for the curfew imposed in some districts and in refugee camps to be temporarily raised, to enable food supplies to be taken to the people there.

Gaza Strip and Sinai

Between the end of March and 20 April, the delegates went to Rafah (frontier town near the Egyptian border since 26 April) to have the

curfew raised there and make it possible for food to be brought in; they also made frequent visits to the police post.

Jordan

The seventh series of visits to places of detention in Jordan began on 1 March and will take five months, with visits to 17 military and civilian prisons. On 27 April the ICRC delegates had already visited 5 centres and 1,366 detainees.

In March the delegates presented their reports on the sixth series of visits to the Ministries of the Interior and of Health and to the penal authorities.

The head of the Middle East division of the Central Tracing Agency carried out a mission to Amman from 5 to 8 April. Tracing activities do in fact account for a large proportion of the delegation's work, arising out of visits to places of detention in Jordan itself and activities relating to the occupied territories (transmission of Red Cross messages, passages across the Allenby Bridge).

Lebanon

The comparative calm of several months was broken in April by armed confrontation in Beirut and by the Israeli raids of 21 April. The ICRC delegates visited hospitals and dispensaries, and gave out sets of dressings. Some families affected by the fighting had taken refuge in Saida and received blankets and powdered milk provided by the ICRC and distributed by the Lebanese Red Cross.

Europe

Poland

In March and April the ICRC continued its visits to persons interned since 13 December 1981, as it had been authorized to do on 21 January 1982. By the end of April, 22 of the 24 internment camps notified to the ICRC by the Polish authorities had been visited, the total number of persons seen being 2,807. In addition, seven camps were visited a second time in the latter half of April. Medical delegates visited persons interned in the hospitals where they were being treated. These visits to camps took place in accordance with the customary ICRC procedure,

and were made by three teams of three delegates each, one person in each team being a doctor. The importance of seeing all interned persons with the minimum delay made it necessary to form two additional teams, who joined the Warsaw delegation in March. A Swiss interpreter who speaks Polish was likewise attached to the delegation.

During the visits, 5,000 packages containing toilet articles were distributed with the help of the Polish Red Cross.

The ICRC has made the first move to extend its protective action, i.e. to obtain access to persons charged with offences against State security and to those already convicted on such charges. The subject was raised by the head of the delegation in the course of talks with the Deputy Prime Minister, the Minister of Justice and the Deputy Minister of the Interior towards the end of April. The President of the ICRC, Mr. A. Hay, also referred to this matter when he received the Polish Deputy Minister of Foreign Affairs, Mr. J. Wiejacz, at ICRC headquarters on 2 April.

The Central Tracing Agency, in collaboration with the Polish Red Cross, has arranged for the transmission of family news between Poland and other countries: between January and the end of April, it recorded 2,500 messages from the outside world for people inside Poland and received in return 1,387 replies, while 1,041 messages arrived in Geneva from Polish families and 782 replies were sent to Poland.

In response to the joint appeal made by the League and the ICRC and covering the period from 1 January to 30 April, 28 National Red Cross Societies had sent a total of 15,265 tons of supplies, representing a sum of 37 million Swiss francs, by the end of April. The relief benefitted three main categories of under-privileged persons (old people, handicapped and sick persons; children of large families; and newborn babies), as defined in the assistance programme drawn up in collaboration with the Polish Red Cross. A fresh assessment of the needs has begun, to decide on the assistance programme until the end of October. Four groups of people, among the least privileged, have been selected for help: 35,000 aged, sick or handicapped persons; 50,000 children of large families; 60,000 newborn babies; and holiday camps for 66,000 sick or handicapped children.

An evaluation mission was undertaken in April by the League and the ICRC, to define the medical needs for the period May to October. For the period January to April, most of the 410 hospitals assisted by the International Red Cross have received the medical kits destined for them (supplying hospitals being the main part of the medical assistance programme). During the same period, medicines and equipment valued

at 90,000 Swiss francs were sent to Poland to meet the specific needs of other hospitals and pharmacies, while basic medicines worth 1.5 million Swiss francs were handed to the dispensary of the Polish Red Cross. In addition, the National Societies sent basic medicines to the value of 5,800,000 Swiss francs, and these were presented to the central government dispensary for distribution throughout the country.

At the end of April there were 27 persons in the ICRC delegation in Warsaw, 5 of whom sent by the Canadian, Danish, Finnish, German and Swedish Red Cross Societies to deal especially with relief activities.

APPEAL BY THE INTERNATIONAL RED CROSS TO THE SECOND SPECIAL SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY DEVOTED TO DISARMAMENT

On the eve of the Second Special Session of the United Nations General Assembly which will be devoted to disarmament, the Presidents of the Standing Commission of the International Red Cross, of the International Committee of the Red Cross and of the League of Red Cross and Red Crescent Societies, consider it their duty to express the growing concern of the world Red Cross movement over the unprecedented escalation of the nuclear and conventional arms race.

The following appeal expresses the spirit which has inspired the International Red Cross Movement throughout the 120 years of its humanitarian activities for mankind over which there looms today the threat of a catastrophe liable to dwarf any disaster recorded in human history.

THE INTERNATIONAL RED CROSS,

Conscious of its aims and of the mandate to alleviate human suffering, entrusted to it, as a universal humanitarian movement, by the Statutes of the International Red Cross,

Emphasizing the fundamental principle of humanity adopted by the Twentieth International Red Cross Conference (Vienna, 1965) to protect man's life, ensure respect for the human being and promote lasting peace amongst all peoples,

Bearing in mind all the resolutions in favour of peace and of disarmament adopted by numerous International Red Cross Conferences,

Greatly concerned by the worsening international situation, the widespread use of increasingly murderous arms and the accumulation of weapons of mass destruction capable of annihilating mankind,

Deeply convinced that disarmament and peace are attainable goals and that human beings are not condemned to destroy each other, but

can live in harmony, as shown by the very existence of the Red Cross movement which unites in a common ideal 230 million members of different races, beliefs and nationalities,

Recalling that the Red Cross does not view peace simply as the absence of war, but rather as a dynamic process of co-operation among States and peoples; co-operation founded on freedom, independence, national sovereignty, equality, respect of human rights, as well as a fair and equitable distribution of resources to meet the needs of peoples,

Exhorts all States and the United Nations Organization to adopt urgent measures to stop armed conflicts and establish lasting peace, and to promote respect for existing international agreements in order to safeguard peace for all people,

Urges governments to stop the arms race, and to take all measures to achieve general and complete disarmament under effective international control,

Confirms its support of the efforts undertaken for disarmament and its readiness to contribute to them in accordance with the principles governing its work.

Geneva, 14 May 1982.

*The President of the
International Committee
of the Red Cross*

Alexandre Hay

*The President of the
Standing Commission of
the International
Red Cross*

D^r Ahmed Abu-Gura

*The President of the
League of Red Cross and
Red Crescent Societies*

Enrique de la Mata

Dissemination of International Humanitarian Law

Summary of Work in 1981

In 1981, the ICRC, the League and the Henry Dunant Institute, along with a number of National Red Cross and Red Crescent Societies, and at times with certain specialized institutions that do not belong to the Red Cross world, continued their efforts to spread knowledge of international humanitarian law and of the principles of the Red Cross.

As it has done in previous years International Review, provides in this issue a summary of the work carried out — in 1981 — in the sphere of dissemination. Should we have failed to mention certain activities, we would be grateful for a brief account, which we would publish with pleasure in a later issue.

The dissemination of knowledge of international humanitarian law is a long and exacting task which has been going on already for some time and will be continued in the years to come. As our intention is to give a clear and simple account, we have not provided, in this summary, long definitions of expressions which may now be considered to be well-known and in current use, nor have we thought it necessary to make any introductions concerning a number of bodies and institutions that are today known to play a significant role in dissemination. Those who would like to be better acquainted with those institutions are referred to the articles on dissemination activities which have appeared in recent years in International Review of the Red Cross.

Dissemination in the armed forces

Courses at San Remo

Two international courses on the law of war were organized in 1981 at the International Institute of Humanitarian Law at San Remo, Italy. These courses for officers of the armed forces, the 10th in the series in

French from 11 to 22 May 1981 and the 11th in English from 14 to 25 September, were led, as in past years, by Lieut.-Col. de Mülinen (of the Swiss army), ICRC delegate to the armed forces and director of military courses at the San Remo Institute.

The two courses were attended by representatives of twenty-two countries from all over the world: Australia, Belgium, Canada, Denmark, Ecuador, Finland, Federal Republic of Germany, Ghana, Greece, Indonesia, Italy, Ivory Coast, Jordan, Kuwait, Netherlands, South Africa, Sweden, Tunisia, United Kingdom, United States, Zaire, and Zambia. At the course in English, seventeen States were represented by 42 participants, the highest number ever recorded at a San Remo course, and all were senior officers, including three generals. A balanced proportion of land army, navy and air force officers made it possible to set up an inter-services in-depth study of the problems involved.

The courses are intended for commanding officers of land, sea and air forces, for officers holding Staff College certificates, for high-ranking officers with the necessary qualification for conducting, in their turn, the effective dissemination of the law of war among members of their own country's armed forces, for specialized officers whose presence lends particular importance to the special requirements of the different branches and services of the armed forces, and for military lawyers.

Since 1980, the duration of the course has been extended to a fortnight, that is to say ten full working days. Each day is devoted to a different theme introduced by a lecturer. As in the higher military colleges, the essential part of the instruction (practical work) is done by officers holding Staff College certificates, having previously completed a course at San Remo. There was a particularly large number of officers who took part in the eleventh course, and they were divided into four classes, each one containing members of each of the three services (land, sea and air) and military lawyers.

The eleventh course was organized as follows: 2 days for the participants to become familiarized with the law of war and the documentation provided; 3 days for lectures on the conduct of military operations on land, on sea and in the air; one day for classes on the conduct of unequally balanced armed forces (combats between a modern army and ill-equipped combatants in the midst of their civilian environment); 2 days for the examination of problems relating to the rear areas of an army operating in free and in occupied territories; one day for lectures on the evacuation and treatment of prisoners of war and of the wounded and sick from the battle area to their definite place of internment or to hospital; finally, the last day was devoted to a double action between

two States, one of them at war and the other neutral, the latter being subsequently drawn into the war against the first, with a United Nations force intervening at the end of the exercise. The participants acted in a number of events at different echelons and were required to make rapid decisions at appropriate levels. Contacts between opposing belligerents were also exercised (conclusion of a short-lived truce on the battlefield, negotiations through an intermediary such as a Protecting Power or the ICRC).

The eleventh course undoubtedly provided the confirmation that governments were taking a growing interest in this sort of instruction, judging from the increasingly higher ranks and qualifications of the officers sent to San Remo. The course also allowed one to conclude that it was only at the courses in English that there was practically universal participation and a truly interesting exchange of experiences and viewpoints.

Missions to various countries

In 1981, ICRC delegates read papers on international humanitarian law to audiences of high-ranking officers of the armed forces in several countries: United States, Colombia, Ecuador, Peru, Mexico and El Salvador.

In El Salvador, a programme was organized to disseminate knowledge of humanitarian law and Red Cross principles, the need for which was demonstrated by the distressing incidents in the country. From April 1981, three series of lectures delivered in army and security service barracks, involving about sixty lectures to thousands of soldiers and conscripts, brought the question of respect for humanitarian law directly to the knowledge of those who would be later faced with these problems in the field. A leaflet, devised specially for this Salvador programme, was intended to reach, too, the combatants belonging to the opposing forces.

In addition, ICRC delegates sent on several missions submitted dissemination programmes to Defence Ministry representatives in the United States, Colombia, Ecuador, Panama and Mexico.

Besides the missions referred to above, the ICRC delegate to armed forces gave talks or directed practical exercises before audiences of senior army officers in Colombia, Ecuador, United States, Nicaragua, El Salvador and Switzerland.

In Geneva, the ICRC invited to its headquarters the military attachés accredited to Switzerland for an information session on 25 and 26 May

1981. A score of military attachés, from fourteen countries in Europe, Africa and the Far East, were greeted by Mr. R. Pestalozzi, ICRC Vice-President, and listened to a lecture on international humanitarian law given Mr. F. de Mülinen.

Courses for military medical officers

The International Committee of Military Medicine and Pharmacy had planned to organize its tenth International Advanced Course for Young Medical Officers at Caracas (Venezuela) on 2, 3 and 4 November 1981, following the ninth course held at Athens in April 1980. This course always includes a lecture on international humanitarian law, in which the ICRC takes an active part. Unfortunately, the 1981 course in Venezuela did not take place.

The seminar on the law of armed conflicts, for senior officers in military medical services, which is to follow the second seminar held at the Henry Dunant Institute, Geneva, in the autumn of 1980, will be held in 1982. It is planned to hold these seminars every two years.

Dissemination among young people

The meeting of Junior Red Cross Directors of National Societies in French-speaking Africa, organized by the Red Cross of Benin and the League of Red Cross Societies, was held in Porto Novo in March 1981. The ICRC delegated a member of its Documentation and Dissemination Division.

Plans were drawn up for Red Cross development and dissemination of Red Cross principles, taking into account conditions peculiar to each country, with the use of material, such as posters, handbooks and audio-visual productions, prepared by the International Red Cross.

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For the teaching of Red Cross principles and rudiments of international humanitarian law, the International Red Cross continued promoting, in 1981, new editions, in various languages, of the school textbook, with its accompanying *Teacher's Manual*, and the *Teacher's Handbook*.

The school textbook entitled *The Red Cross and My Country* or *The Red Crescent and My Country* — depending on the country — and the

Teacher's Manual, which cannot be separated when teaching from the school textbook, are intended to explain Red Cross and Red Crescent activities and principles in simple terms to primary school children.

The Teacher's Handbook is not only for school teachers but also for Junior Red Cross or Red Crescent instructors. It goes further than the *Teacher's Manual* in that it contains also chapters on first aid, food and water, hygiene, etc.

New versions of these three manuals were printed in several countries in 1981: *The Red Cross and My Country* in Spanish in Nicaragua and in Chinese in the People's Republic of China; the *Teacher's Handbook* in Spanish in Colombia, Peru and Costa Rica, in Polish in Poland and in two separate editions (one in English and one in French) in Cameroon.

The editions published in these countries were not identical, each being adapted to local needs, so that they differed in some degree, particularly concerning the history and organization of the National Red Cross or Red Crescent Society, food, and even hygiene and first aid which must take into account the habits and moral precepts of each nation.

In Universities

ICRC jurists, when on mission away from Geneva, take the opportunity while in a foreign country to visit universities where international law is taught, in order to meet the teachers, lawyers, and other specialists in that subject. Similarly, when these persons come to Geneva they are received by ICRC jurists to discuss prospects for the promotion of teaching international humanitarian law. In addition, special missions were undertaken by ICRC jurists to disseminate knowledge of international humanitarian law in several countries in 1981.

In February, Mr. J.-J. Surbeck, ICRC delegate, went on a mission to contact the law faculties of universities in Australia, New Zealand, Papua-New Guinea, Singapore and Sri Lanka, with a view to stimulating interest in the introduction of courses on international humanitarian law.

While on mission in Africa in April and May 1981, Mr. H.-P. Gasser, of the legal division, visited the law faculties of the universities of Dakar (Senegal), Abidjan (Ivory Coast), Lagos (Nigeria), Yaoundé (Cameroon), Nairobi (Kenya) and Addis Ababa (Ethiopia). He also had interviews at the Cameroon Institute of International Relations in Yaoundé.

In the United States, Mr. J. Moreillon, director of the Department of Principles and Law, took part in March in a seminar organized for

professors of public international law who were prepared to teach international humanitarian law.

Mr. Pierre Gaillard, ICRC delegate, in Belgium in March and April, gave a series of lectures on international humanitarian law and ICRC activities to students in the Universities of Namur, Brussels, Louvain and Liège.

While in Nicaragua in March and April, Mrs. Sylvie Junod, ICRC delegate, discussed a programme for the teaching of international humanitarian law with the deans of the Managua and Leon Universities.

On various occasions, ICRC delegates in El Salvador lectured on international humanitarian law at the Catholic University, the José Matias Delgado University and also to the Bar Association.

In Argentina, in May 1981, a seminar on international humanitarian law for professors of international public law was held in the University of Buenos Aires. This was sponsored by the National Faculty of Law with the co-operation of the ICRC and the Argentina Red Cross.

In Italy, in May 1981, an ICRC delegate took part in a seminar organized at Milan by that town's university jointly with the San Remo International Institute of Humanitarian Law. This seminar, at which the lectures and discussions were of a high standard, was for professors and assistant professors specializing in international law and teaching in Italian universities. This was the second such seminar, the first having taken place in Florence in November 1980.

In Poland, the first course on international humanitarian law for advanced law students from European and North American universities was held in Warsaw from 29 September to 9 October 1981. It had been organized jointly by the Polish Red Cross and the ICRC. The lecturers were Polish professors, Mr. J. Meurant of the Henry Dunant Institute, Mrs. Y. Camporini of the League, Mrs. D. Bindschedler and Mr. Th. Fleiner, both members of the ICRC, Miss Perret and Mr. Zimmermann, both members of the ICRC staff.

The 31 students came from the Federal Republic of Germany, Canada, Denmark, Spain, Finland, United Kingdom, Hungary, Norway, Poland, Sweden and Switzerland. Most had already a sound legal training. They displayed considerable interest in the courses and working groups and they in this way acquired a good knowledge of international humanitarian law and of the Red Cross. During the day devoted to the subject of dissemination, many of them expressed the wish to co-operate in Red Cross activities, particularly in their National Societies' programmes for dissemination of knowledge of international humanitarian law.

At the invitation of the Japanese universities, the ICRC sent Mr. Ch. Swinarski of the Legal Division to Japan in November 1981. He gave six lectures on various aspects of international humanitarian law at the faculty of law of Kyoto University, the faculty of political science and law at Aichi University at Nagoya, the faculty of political science at the International Christian University of Tokyo and at the faculty of law of Tokio University. His audience comprised professors, assistant professors and students preparing for their doctorate. They displayed keen interest in international humanitarian law problems in the course of the discussions which followed the lectures.

A round table on the 1977 Protocols was organized by the Japan Institute of Defense Law Studies; this was attended by representatives of parliamentary and political circles and by officers of the Legal Service and Staff of the Japanese defence forces.

In addition, Mr. Swinarski conferred with the directors of the Japanese Red Cross International Relations Department. These talks were focused mainly on the Japanese Red Cross project for the founding of a research centre on international humanitarian law and on possibilities for co-operation with the ICRC in that project.

Dissemination in National Societies

In the course of various missions delegates of the ICRC Documentation and Dissemination Division lectured on international humanitarian law to members of National Societies in Australia, New Zealand, Papua-New Guinea, Panama and El Salvador.

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The First Arabic Middle-East Seminar on International Humanitarian Law, organized jointly by the Jordan Red Crescent and the ICRC, took place in Amman from 5 to 15 April 1981. It was attended by representatives of National Societies in Arab countries of the region. The ICRC was also represented.

The participants presented reports on their National Societies' dissemination work. Lectures were given on: the history and nature of international humanitarian law; the law of The Hague and the four Geneva Conventions; the 1977 Protocols; international humanitarian law and Islam; humanitarian law and human rights; the Red Cross

action programme for dissemination of knowledge of international humanitarian law.

This seminar was the final one in a series which began in 1977 and aroused interest for the dissemination of knowledge of international humanitarian law in the armed forces, ministries, universities, schools and the general public in various parts of the world.

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In addition, in co-operation with the National Societies of Australia, New Zealand, Papua-New Guinea, Panama and Costa Rica, ICRC delegates prepared programmes for dissemination among the National Societies' members and the public at large.

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In order to make international humanitarian law better known, the Belgium Red Cross, in December 1981, organized a "counsel's speech" competition on legal problems arising in armed conflicts.

The competition is open to all students of law, criminology, medicine, political science, economics and social science, to students studying for a special diploma of a French-speaking University in Belgium, to cadets of the French-speaking sections of the *Ecole royale militaire* and the *Ecole royale de gendarmerie*.

Each entrant may choose a cause from a list, stating whether he is representing the prosecution or the defence. Each competitor is to draw up a fifteen page statement of the case, accompanied by necessary references, and send it to the secretariat by 31 October 1982. Public debates between two opposing candidates, before a jury, will be organized. Prizes will be awarded to competitors whose presentations of their cases are considered worthy of being published.

Participation of Henry Dunant Institute

The Henry Dunant Institute played a large part in 1981 in dissemination, particularly by giving training courses.

In May 1981 it held its sixth Introductory Course on International Activities of the Red Cross. This was attended by seventeen representatives from fifteen National Societies.

The Institute extended its teaching of humanitarian law and Red Cross structures and activities to certain categories of persons or institutions interested, by reason of their vocation, in humanitarian activities. It organized for instance, for the first time, a seminar on international humanitarian law and the Red Cross for members of diplomatic missions in Geneva. This seminar took place in January 1981 and was a pronounced success, being attended by 27 diplomats. It organized a similar seminar for fifteen Spanish journalists.

The Institute continued organizing, in co-operation with academic institutions, regional seminars on international humanitarian law for civil servants, armed forces, professors and lawyers. Two such seminars took place in 1981, one in March at Quito, organized jointly with the Inter-American Federation of Lawyers, with 90 participants, and the other in December at Yaoundé, jointly with the Cameroon Institute of International Relations, attended by 65 people from 30 African countries. The ICRC was represented at Yaoundé by its delegate-general for Africa, Mr. J.-M. Bornet. Incidentally, the Cameroon Institute for International Relations was founded with the help of the Swiss Confederation and it works in close co-operation with the Geneva Graduate Institute of International Studies. Its purpose is to give post-graduate training to young African diplomats.

The Henry Dunant Institute also took part in a number of meetings organized by the League, the ICRC, National Societies or other specialized institutions.

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The Henry Dunant Institute, jointly with the ICRC and the League, has drafted a guide on methods for the dissemination of knowledge of international humanitarian law and of Red Cross principles and ideals. This is intended for National Societies and has been submitted to 30 of them who are particularly interested in such dissemination. Their comments will be included in the final version of the guide which will be published in several languages.

Round table at the San Remo Institute

In September 1981 the 7th Round Table on current problems of international humanitarian law was held at San Remo (Italy). It was organized by the International Institute of Humanitarian Law. The ICRC was represented by its President, Mr. Alexandre Hay; by com-

mittee members, Miss A. Weitzel, Mr. H. Huber, Mr. D. Schindler and Mr. M. Aubert; and by a number of members of the ICRC staff.

The following subjects relating to current humanitarian law problems were discussed: the Red Cross image in the world; the prohibition or limitation of the use of certain conventional weapons; dissemination of knowledge of international humanitarian law and of Red Cross principles and ideals; and relief for refugees.

These discussions were followed by various lectures, namely: the application by States of Protocol I to their own nationals, with special reference to article 75; assessment of United Nations conference results on the prohibition or limitation of the use of certain conventional weapon which may be deemed to be excessively injurious or to have indiscriminate effects; international humanitarian law and the internationalization of internal armed conflicts (the speaker on this subject was Mr. Schindler, member of the ICRC); human rights and Protocol II (Mrs. S. Junod, ICRC jurist); and the protection of refugees during armed conflicts.

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The San Remo International Institute of Humanitarian Law, on the occasion of its 10th anniversary, published a collection of resolutions by the congresses it had organized from 1970 to 1980. The list of resolutions gives an insight into the range of problems dealt with the Institute:

- humanitarian rules and military instructions;
- human rights and international humanitarian law;
- news during armed conflicts;
- the reuniting of dispersed families;
- international humanitarian law and telecommunication;
- spiritual and intellectual assistance in armed conflicts and internal disturbances;
- international protection for refugees;
- condemnation and outlawing of torture, etc.

This collection is an excellent basis for thought and work.

Joint working group

In the summary of 1980 activities for the dissemination of knowledge of international humanitarian law which appeared in *International*

Review issue of March-April 1981, we announced the founding and composition of a joint working group.

We would merely mention here that the group, in April 1981, re-elected its chairman, Mr. K. Warras of the Finnish Red Cross, and submitted to the Twenty-fourth International Red Cross Conference in Manila last October a brief report on its activities since it was founded in April 1979.

Dissemination programme 1982-1985

The draft of a dissemination programme for 1982-1985, prepared by the ICRC and the League, was submitted to National Societies in November 1980, as mentioned in our March-April 1981 issue. The National Societies having sent their comments and suggestions, the League and the ICRC have drawn up a "Second programme of action of the Red Cross with respect to dissemination of international humanitarian law and of the principles and ideals of the Red Cross, for 1982-1985". This programme was submitted to the Twenty-fourth International Conference at Manila in 1981.

The objectives of this programme are:

1. To make international humanitarian law and Red Cross principles and ideals better known to the public at large in various countries, particularly among their armed forces, members of the Red Cross or Red Crescent, appropriate government agencies, universities, primary and secondary schools and members of the medical and para-medical professions.
2. To improve the procedures and structures necessary for effective co-operation among the ICRC, the League, National Societies and governments in the matter of dissemination.
3. To mobilize and use all the resources which may be made available to the ICRC and the League by National Societies, government departments and universities.
4. Increase ICRC and League ability to make various aspects of international humanitarian law and Red Cross principles and ideals better known to the various groups concerned.
5. To seek funds for the financing of the programme.

Two documents

To conclude, we draw attention to two documents on dissemination which were published in 1981.

The first is a report containing information conveyed to the ICRC on government and National Society dissemination work. Entitled "Dissemination of knowledge of international humanitarian law and of Red Cross principles and ideals — Replies from governments and National Societies to the ICRC questionnaire", this document, in French, English and Spanish, was submitted to the Manila Conference Commission on "Protection and Assistance". It is an interesting working instrument and may be obtained from the ICRC.

The second "Fundamental Red Cross principles — Teaching document" is the result of a seminar which was held at St. Léger (Switzerland) in July 1979. The seminar was organized by the Swiss Junior Red Cross and the *Société pédagogique vaudoise*. It contains a series of model lessons intended to enable teachers at various levels to spread knowledge of the fundamental Red Cross principles, particularly humanity, impartiality, voluntary service and neutrality. This document may be obtained from the ICRC or from the League, in French, English and Spanish.

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN (Democratic Republic) — Afghan Red Crescent, Puli Artan, *Kabul*.
- PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA (Democratic and People's Republic) — Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, *Algiers*.
- ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, *Vienna 4*.
- BAHAMAS — Bahamas Red Cross Society, P.O. Box N 91, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 34, Bangabandhu Avenue, *Dacca 2*.
- PEOPLE'S REPUBLIC OF BENIN — Red Cross of Benin, B.P. 1, *Porto Novo*.
- BELGIUM — Belgian Red Cross, 98 Chaussée de Vleurgat, 1050 *Brussels*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, *Sofia 27*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross, 42 Strand Road, Red Cross Building, *Rangoon*.
- BURUNDI — Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — Canadian Red Cross, 95 Wellesley Street East, *Toronto, Ontario, M4Y 1H6*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago*.
- CHINA (People's Republic) — Red Cross Society of China, 53 Kanmien Hutung, *Peking*.
- COLOMBIA — Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, *Bogotá D.E.*
- CONGO, PEOPLE'S REPUBLIC OF THE — Croix-Rouge Congolaise, place de la Paix, *Brazzaville*.
- COSTA RICA — Costa Rican Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CUBA — Cuban Red Cross, Calle 23 201 esq. N. Vedado, *Havana*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjølds Allé 28, Postboks 2600, 2100 København Ø.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado Postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia, 118, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El-Galaa Street, *Cairo*.
- EL SALVADOR — El Salvador Red Cross, 17 Av. Norte y 7a. Calle Poniente, Centro de Gobierno, *San Salvador*, Apartado Postal 2672.
- ETHIOPIA — Ethiopian Red Cross, Rass Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 193 Rodwell Road, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu 1 A, Box 168, 00141 *Helsinki 14/15*.
- FRANCE — French Red Cross, 17 rue Quentin Bauchart, F-75384 *Paris CEDEX 08*.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, DDR 801 *Dresden 1*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1*, Postfach (D.B.R.).
- GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3ª Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown*.
- HAITI — Haiti Red Cross, Place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7a Calle, 1a y 2a Avenidas, *Comayagüela, D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca 31, *Budapest V*, Mail Add.: 1367 *Budapest 5*, Pf. 249.
- ICELAND — Icelandic Red Cross, Nóatúni 21, 105 *Reykjavik*.
- INDIA — Indian Red Cross, 1 Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross, Jalan Abdul Muis 66, P.O. Box 2009, *Djakarta*.
- IRAN — Iranian Red Crescent, Avenue Ostad Nejatollahi, Carrefour Ayatollah Taleghani, *Teheran*.
- IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad*.
- IRELAND — Irish Red Cross, 16 Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12 via Toscana, *Rome*.
- IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, *Abidjan*.
- JAMAICA — Jamaica Red Cross Society, 76 Arnold Road, *Kingston 5*.
- JAPAN — Japanese Red Cross, 1-3 Shiba-Daimon 1-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10 001, *Amman*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF — Red Cross Society of the Democratic People's Republic of Korea, *Pyeongyang*.
- KOREA, REPUBLIC OF — The Republic of Korea National Red Cross, 32-3Ka Nam San-Dong, *Seoul*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1350, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru*.

- LIBERIA** — Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA** — Libyan Arab Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN** — Liechtenstein Red Cross, *Vaduz*.
- LUXEMBOURG** — Luxembourg Red Cross, Parc de la Ville, C.P. 404, *Luxembourg*.
- MALAGASY REPUBLIC** — Red Cross Society of the Malagasy Republic, rue Patrice Lumumba, *Antananarivo*.
- MALAWI** — Malawi Red Cross, Hall Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre* 3).
- MALAYSIA** — Malaysian Red Crescent Society, JKR 2358, Jalan Tun Ismail, *Kuala Lumpur* 11-02.
- MALI** — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA** — Mauritanian Red Crescent Society, B.P. 344, Avenue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS** — Mauritius Red Cross, Ste Thérèse Street, *Curepipe*.
- MEXICO** — Mexican Red Cross, Avenida Ejército Nacional n° 1032, *México* 10 D.F.
- MONACO** — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA** — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO** — Moroccan Red Crescent, B.P. 189, *Rabat*.
- NEPAL** — Nepal Red Cross Society, Tahachal, P.B. 217, *Kathmandu*.
- NETHERLANDS** — Netherlands Red Cross, P.O.B. 30427, *2500 GK The Hague*.
- NEW ZEALAND** — New Zealand Red Cross, Red Cross House, 14 Hill Street, *Wellington* 1. (P.O. Box 12-140, *Wellington North*.)
- NICARAGUA** — Nicaragua Red Cross, D.N. Apartado 3279, *Managua*.
- NIGER** — Red Cross Society of Niger, B.P. 386, *Niamey*.
- NIGERIA** — Nigerian Red Cross Society, Eko Aketa Close, off St. Gregory Rd., P.O. Box 764, *Lagos*.
- NORWAY** — Norwegian Red Cross, Drammensveien 20 A, *Oslo* 2, Mail add.: *Postboks 2338, Solli, Oslo* 2.
- PAKISTAN** — Pakistan Red Crescent Society, National Headquarters, 169, Sarwar Road, *Rawalpindi*.
- PAPUA NEW GUINEA** — Red Cross of Papua New Guinea, P.O. Box 6545, *Boroko*.
- PANAMA** — Panamanian Red Cross, Apartado Postal 668, Zona 1, *Panamá*.
- PARAGUAY** — Paraguayan Red Cross, Brasil 216, *Asunción*.
- PERU** — Peruvian Red Cross, Jirón Chancay 881, *Lima*.
- PHILIPPINES** — Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, *Manila* D 2803.
- POLAND** — Polish Red Cross, Mokotowska 14, *Warsaw*.
- PORTUGAL** — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, *Lisbon* 3.
- QATAR** — Qatar Red Crescent Society, P.O. Box 5449, *Doha*.
- ROMANIA** — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei 29, *Bucarest*.
- SAN MARINO** — San Marino Red Cross, Palais gouvernemental, *San Marino*.
- SAUDI ARABIA** — Saudi Arabian Red Crescent, *Riyadh*.
- SENEGAL** — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE** — Sierra Leone Red Cross Society, 6A Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE** — Singapore Red Cross Society, 15 Penang Lane, *Singapore* 0923.
- SOMALIA (DEMOCRATIC REPUBLIC)** — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.
- SOUTH AFRICA** — South African Red Cross, 77, de Villiers Street, P.O.B. 8726, *Johannesburg* 2000.
- SPAIN** — Spanish Red Cross, Eduardo Dato 16, *Madrid* 10.
- SRI LANKA (Dem. Soc. Rep. of)** — Sri Lanka Red Cross Society, 106 Dharmapala Mawatha, *Colombo* 7.
- SUDAN** — Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SWAZILAND** — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane*.
- SWEDEN** — Swedish Red Cross, Fack, S-104 40 *Stockholm* 14.
- SWITZERLAND** — Swiss Red Cross, Rainmattstr. 10, B.P. 2699, *3001 Berne*.
- SYRIAN ARAB REPUBLIC** — Syrian Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA** — Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND** — Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, *Bangkok*.
- TOGO** — Togolese Red Cross Society, 51 rue Boko Soga, P.O. Box 655, *Lomé*.
- TONGA** — Tonga Red Cross Society, P.O. Box 456, *Nuku'alofa*.
- TRINIDAD AND TOBAGO** — Trinidad and Tobago Red Cross Society, Wrightson Road West, P.O. Box 357, *Port of Spain*, Trinidad, West Indies.
- TUNISIA** — Tunisian Red Crescent, 19 rue d'Angleterre, *Tunis*.
- TURKEY** — Turkish Red Crescent, Yenisehir, *Ankara*.
- UGANDA** — Uganda Red Cross, Nabunya Road, P.O. Box 494, *Kampala*.
- UNITED KINGDOM** — British Red Cross, 9 Grosvenor Crescent, *London, SW1X 7EJ*.
- UPPER VOLTA** — Upper Volta Red Cross, P.O.B. 340, *Ouagadougou*.
- URUGUAY** — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.S.A.** — American National Red Cross, 17th and D Streets, N.W., *Washington, D.C.* 20006.
- U.S.S.R.** — Alliance of Red Cross and Red Crescent Societies, I. Tcheremushkinskii proezd 5, *Moscow* 117036.
- VENEZUELA** — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas*.
- VIET NAM, SOCIALIST REPUBLIC OF** — Red Cross of Viet Nam, 68 rue Bà-Triệu, *Hanoi*.
- YEMEN (Arab Republic)** — Yemen Red Crescent Society, P.O. Box 1471, *Sana'a*.
- YUGOSLAVIA** — Red Cross of Yugoslavia, Simina ulica broj 19, *Belgrade*.
- REPUBLIC OF ZAIRE** — Red Cross of the Republic of Zaire, 41 av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA** — Zambia Red Cross, P.O. Box R.W.1, 2837 Brentwood Drive, *Lusaka*.